
THE UNITED REPUBLIC OF TANZANIA

BILL SUPPLEMENT

No.8

3rd June, 2016

to the Gazette of the United Republic of Tanzania No.21. Vol.97 dated 3rd June, 2016
Printed by the Government Printer, Dar es Salaam by Order of Government

THE GOVERNMENT CHEMIST LABORATORY AUTHORITY ACT, 2016

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,
3rd June, 2016

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL
for

An Act to provide for the establishment of the Government Chemist Laboratory Authority; to provide for its powers and functions; and to provide for matters related thereto.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

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|------------------------------|---|
| Short title and commencement | 1. This Act may be cited as the Government Chemist Laboratory Authority Act, 2016 and shall come into operation on such date as the Minister may, by notice published in the <i>Gazette</i> , appoint. |
| Application | 2. This Act shall apply to Mainland Tanzania. |
| Interpretation | 3. In this Act unless the context otherwise requires:
“Authority” means the Government Chemist Laboratory Authority established under section 4;
“Board” means the Board of Directors of the Authority established pursuant to section 7;
“chemical” means any industrial chemical, consumer chemical or any chemical product thereof which is:
(a) a substance in any form, whether by itself or in a mixture or preparation; and |

- (b) either manufactured or obtained from nature;
- “Chief Government Chemist” means a person appointed under section 10;
- “consumer chemical” means any chemical or chemical product used or intended for use in domestic household or in a non-industrial process;
- “dealer” means a person engaged in the sale, distribution, use or handling of a chemical in any means;
- Cap 73 “DNA” has the same meaning ascribed to it under the Human DNA Regulation Act;
- “forensic science” means discipline of forensic toxicology, chemistry and biology used to discover information about crime by scientifically examining objects or substances involved in a crime;
- Cap 20 “Government Laboratory Analyst” means a person appointed by the Minister to perform duties of laboratory analysis as provided for under this Act or any other written law;
- “industrial chemical” means any chemical or chemical product used or intended for use in an industrial process;
- “inspector” means a chemical, forensic science or human DNA laboratory inspector appointed under section 14;
- “laboratory” means any facility undertaking testing or analyzing samples or matters related to chemical, forensic science, microbiology, DNA, and training laboratories;
- “laboratory analytical report” means a laboratory report showing results from an analysis of a sample conducted, and includes a certificate of analysis issued under this Act;
- “Ministry” means the Ministry responsible for health;
- “requesting authority” means a person or institution which initiates the process of sample analysis as provided for under section 16;
- “sample” means a specimen or an exhibit submitted for laboratory analysis; and
- “Technical Committee” means a forensic science services or poison control committees established under section 9;
- “testing” means any investigation or inspection made for the purpose of detecting, identifying or quantifying usually qualified by the method used.

PART II
THE GOVERNMENT CHEMIST LABORATORY AUTHORITY

Establishment
of Government
Chemist
Laboratory
Authority

4.-(1) There is established a body to be known as the Government Chemist Laboratory Authority also known by its acronym as "GCLA".

(2) The Authority established under subsection (1), shall be the supreme and referral laboratory of the Government of the United Republic of Tanzania, and shall perform other functions as stipulated under this Act.

(3) The Authority shall be a body corporate with perpetual succession and shall have a common seal and, in its own name, be capable of -

- (a) suing and being sued;
- (b) acquiring, holding and alienating movable and immovable property;
- (c) borrowing and lending;
- (d) entering into contract or other transaction; and
- (e) doing all such other acts which a body corporate may lawfully perform.

(4) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by or against the Authority.

(5) Where the Attorney General intervenes in any suit or matter, the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if the suit or matter had been instituted by or against the Government.

(6) For the purpose of subsections (3) and (4), the Authority shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Authority.

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Functions of
the Authority

5.-(1) The Authority shall be the referral laboratory and its analytical results shall be final and conclusive on matters related to laboratory analysis.

(2) Without prejudice to the generality of subsection (1), the Authority shall-

- (a) conduct research activities, laboratory analysis and advise the Government on matters relating to forensic toxicology, forensic biology, DNA, illicit drugs, forensic chemistry, food, drugs, occupational health,

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- industrial chemicals and products and environmental samples for executing health, legal, social well-being and environmental interventions;
 - (b) regulate chemical, forensic science and human DNA laboratories to ensure compliance with the prescribed standards;
 - (c) provide, manage and regulate operation of the National DNA Database in accordance with the Human DNA Regulation Act, or any other written laws;
 - (d) coordinate national chemical management programmes, forensic science and human DNA services;
 - (e) manage National Poison Control Centre;
 - (f) regulate and conduct training and outreach programmes on matters related to chemicals management, human DNA services and any other matters regulated by this Act;
 - (g) develop and provide guidance, instructions, opportunity, coaching and mentor scientists within and beyond functional expertise in functions of the Authority;
 - (h) collect, identify and analyse scientific evidence pertaining to legal matters; and
 - (i) perform any other functions as the Minister may assign.
- (3) For the purpose of subsection (1), the Authority shall register and de-register-
- (a) chemical and forensic science laboratories including human DNA Laboratories;
 - (b) industrial and consumer chemicals and dealers; and
 - (c) any person involved in conducting training and outreach programmes on matters related to chemicals management, human DNA services and other functions under this Act.
- (4) The Authority may provide consultancy services on any matter stipulated under this Act.

Directorates,
zones, units
and sections

6. The Authority shall, for the purpose of the management of its functions after consultation with the Minister responsible for Finance and the Minister responsible for Public Service-

- (a) establish such number of directorates, zones, units and sections with prescribed functions as the Board may determine; and
- (b) employ such number of staffs in various categories and designations to perform functions of the Authority as may be required.

PART III
ADMINISTRATION AND INSTITUTIONAL ARRANGEMENT

Establishment
of the Board

7.-(1) There shall be a Board of the Authority which shall be responsible for management of the affairs of the Authority.

(2) The Board shall consist of a Chairman appointed by the President from amongst persons with ten years managerial experience in public service and not more than six members to be appointed by the Minister as follows:

- (a) a representative from the Police Force of a rank of inspector or above;
 - (b) a representative from the Ministry responsible for health;
 - (c) a representative from public higher learning institution or research institutions whose specialty is in either-
 - (i) pathology;
 - (ii) chemical and mining;
 - (iii) chemistry; or
 - (iv) molecular biology or biotechnology;
 - (d) a Law Officer nominated by the Attorney General;
 - (e) a representative from the Ministry responsible for Public Service;
 - (f) a representative from the Ministry of Finance who has knowledge in matters related to accounting and finance.
- (3) The Chief Government Chemist shall be Secretary to the Board.

(4) The Board may, where it considers necessary, co-opt any person to attend its meeting provided that such person shall not have a right to vote.

(5) The tenure of members, proceedings of the Board and other matters relating to the Board shall be as set out in the First Schedule to this Act.

(6) The Minister may by Order published in the Gazette alter, amend or add anything in the First Schedule to this Act.

Functions and
power of the
Board

8.-(1) The functions and powers of the Board shall be to-

- (a) approve registration, suspension or cancellation of chemical, forensic science and human DNA laboratories;
- (b) approve registration, suspension or cancellation of industrial chemical, consumer chemical or chemical dealers;
- (c) make guidelines, rules and orders to facilitate implementation of this Act;
- (d) exempt payment of any fees for services rendered by the Authority;
- (e) approve or cancel research permits or licence for DNA;
- (f) approve condemnation and order destruction or disposal of articles, chemicals and chemical products;
- (g) approve the Authority's budgets, annual financial statements and accounts;
- (h) approve and advise the Minister on strategic policy matters for implementation by the Authority;
- (i) approve fees payable for services rendered by the Authority;
- (j) advise the Minister on performance of the management on set targets and the carrying out of policy priorities;
- (k) advise the Minister on the appointment of inspectors, sampling officers and Government Laboratory Analysts;
- (l) take sample for laboratory testing;
- (m) call upon and make laboratory analysis on any matter of national or public interest to which forensic science, product quality or chemicals management may be required; and

(n) conduct inspection for premises or services regulated by the Authority.

(2) The Board may delegate its functions to the Chief Government Chemist, committee of the Board or employee of the Authority.

(3) The Board shall for the purpose of facilitating the performance of its functions, appoint such number of Committees to perform specific functions of the Board.

Establishment
of technical
committees

9.-(1) There shall be the Forensic Science Services Technical Committee and Poison Control Technical Committee to be appointed by the Minister after consultaion with the Board.

(2) The Committees appointed under subsection (1), shall be responsible for advising the Chief Government Chemist on technical matters relating to forensic science and poison control.

(3) The composition, appointment, functions and procedures of the committees shall be as set out in the Second and Third Schedules to this Act.

Appointment
of the Chief
Government
Chemist

10.-(1) There shall be a Chief Government Chemist appointed by the President from amongst public servants who have-

(a) at least a masters degree in chemistry or any other associated discipline; and

(b) over ten years of experience in matters relating to chemical laboratory, leadership skills and a proven probity.

(2) The Chief Government Chemist shall be-

(a) the Chief Executive Officer and Accounting Officer of the Authority, and shall be responsible for the day to day management of the affairs of the Authority;

(b) the Registrar of chemical, forensic science and human DNA labolatories;

(c) Regulator of human DNA service appointed under the human DNA Regulation Act; and

(d) Registrar of chemical and chemical dealers appointed under the Industrial and Consumer Chemicals (Management and Control) Act.

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Cap. 182

(3) The Chief Government Chemist shall hold office for a term of five years and may subject to his satisfactory performance be eligible for re-appointment for another term.

Functions and powers of the Chief Government Chemist

11.-(1) The Chief Government Chemist shall perform the following functions:

- (a) upon approval of the Board-
 - (i) register, delete, vary, alter, or de-register any name or entries in the register;
 - (ii) issue certificate to a successful applicant;
- (b) keep and maintain register of-
 - (i) chemical, forensic science and human DNA laboratories;
 - (ii) industrial or consumer chemicals or dealers;
 - (iii) human DNA Database; and
 - (iv) Government Laboratory Analyst;
- (c) oversee the management and development of the organization, and discipline of the employees of the Authority; and
- (d) perform any other functions as may be assigned to him by the Board.

(2) The Chief Government Chemist shall, in performing his functions, have and exercise the following powers:

- (a) make guidelines to facilitate implementation of this Act;
- (b) after due process, condemn and order destruction or disposal of articles, chemicals and chemical products.

Caps 182 and 73

(3) The Chief Government Chemist shall, in addition to powers under subsection (2), exercise power vested in him under the Industrial and Consumer Chemicals (Management and Control) Act and the Human DNA Regulation Act.

Powers to Delegate

12.-(1) Functions and powers of the Chief Government Chemist may be performed or exercised by any officer of the Authority.

(2) The Chief Government Chemist may, in consultation with the Minister, and by notice published in the *Gazette*, delegate to any other person, institution or body of persons some of his

functions or powers on such terms, conditions and limitations as may be specified in the instrument of delegation.

(3) Delegation made under this section shall not prevent the Chief Government Chemist from exercising such powers conferred upon him by this Act.

Appointment
and functions
of Government
**Laboratory
Analyst**

13.-(1) The Minister may, on the advice of the Chief Government Chemist and by notice published in the *Gazette*, appoint officers from the Authority or any other relevant institutions having the necessary qualifications to be Government Laboratory Analysts for the purposes of enforcement of this Act or any other written law.

(2) The Government Laboratory Analyst shall perform laboratory analysis of various samples as provided for under this Act or any other written law.

(3) For the better carrying out of his functions, the Chief Government Chemist shall maintain a register of all Government Laboratory Analysts.

(4) The powers, functions, conduct, qualifications and procedures for Government Laboratory Analyst shall be as prescribed in the Regulations.

Appointment of
inspectors

Caps 182 and
73

14.-(1) The Minister may, upon advise of the Board and by notice published in the *Gazette*, appoint such number of chemical, forensic science and human DNA laboratory inspectors.

(2) The inspectors appointed, under the Industrial and Consumer Chemicals (Management and Control) Act and Human DNA Regulation Act shall be deemed to be appointed under this Act.

Powers of
inspectors

15.-(1) The inspectors appointed under section 14 shall have and exercise such powers as may be necessary for the better implementation of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the inspectors shall have the following powers:

(a) enter into any premise or premises dealing with a services regulated under this Act at any time reasonable for the proper performance of such duty or the making of such inspection;

(b) issue directives after inspection on areas needing

- correction;
 - (c) order temporary closure of premises pending corrections or Board's directives;
 - (d) seize anything or property used in the commission of an offence as evidence;
 - (e) upon Board approval, impose fines on several offences at such rate as may be determined by the Minister;
 - (f) in person or in collaboration with any other authority, supervise proper disposal of samples, chemicals or any article regulated under the Act;
 - (g) where necessary, with the assistance of police arrest any person;
 - (h) conduct special or strategic inspection;
 - (i) provide advice or recommendations on the proper implementation of the provisions of the Act as per the practice;
 - (j) adduce evidence before the court; and
 - (k) perform any other duty as may be directed by the Chief Government Chemist.
- (3) Any person who-
- (a) fails to give or refuses access to any person, officer or inspector referred to this section, if he requests entrance to any article, vehicle or premises;
 - (b) obstructs or hinders him in the execution of his duties under the Act;
 - (c) fails or refuses to give information that may lawfully be required to give to such officer, person or inspector;
 - (d) gives to such officer or person false or misleading information knowing it to be false or misleading,
- commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding three million shillings or imprisonment for a term of not less than twelve months, or both.

PART IV MANAGEMENT OF SAMPLES AND ANALYTICAL RESULTS

Management
of samples

16.-(1) The sample for laboratory analysis shall be submitted by the requesting authority accompanied by a letter, form or any other written document stipulating the details of the

sample submitted to the Authority.

(2) Without prejudice to subsection (1), the Chief Government Chemist, may cause samples to be submitted for laboratory analysis.

(3) A sample shall be managed, retained and disposed of in a manner prescribed in the regulations.

(4) The Authority shall not be liable for any change of form or alteration to a sample that may occur during and after analysis.

Laboratory analytical report and its effect

17.-(1) Where a sample for analysis is delivered to the Authority, a laboratory analytical report specifying the result shall be issued to the requesting person.

(2) A sample submitted for analysis shall be deemed to be a fair sample possessing in all respects the same properties as the whole sample from which it was obtained.

(3) A person who uses a certificate of analysis issued under this Act for the purposes of advertisement without a written consent from the Chief Government Chemist, commits an offence and shall, on conviction, be liable to-

(a) a fine of not less than five million shillings or imprisonment for a term of not less than one year or to both, if an offender is a natural person; or

(b) a fine of not less than twenty million shillings, if an offender is a body corporate.

Issuance of laboratory analytical reports

18.-(1) The document or report made or issued by the Government Laboratory Analyst under this Act. shall be under the custody of the Chief Government Chemist.

(2) Any document or report made under the hand of any Government Laboratory Analyst, upon any matter or thing dully submitted for laboratory analysis, may be used as evidence in any inquiry, trial or other proceedings.

(3) Where a report is used in any proceedings in a court of law other than an inquiry, the court may, summon and examine the Chief Government Chemist or Government Laboratory Analyst on the veracity of the report.

Expert witness

19. A report issued by the Government Laboratory Analyst shall be admissible and shall be sufficient evidence of the facts

or observations stated in the report unless the opposite party requires that the Chief Government Chemist or Government Laboratory Analyst who issued it be summoned as a witness.

PART V
THE AUTHORITY SERVICES
(a) Forensic Science and DNA Services

Forensic
science
laboratory
services

20.-(1) There shall be within the Authority, a laboratory responsible for matters related to forensic science and DNA services.

(2) For the purpose of subsection (1), the Authority shall make analysis using discipline on forensic science such as:

- (a) toxicology;
- (b) chemistry and illicit drugs; and
- (c) biology and human DNA,

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Cap. 73
Cap.95

as may be required by any authority or as provided in the Criminal Procedures Act, Human DNA Regulation Act, the Drugs Control and Enforcement Act and other written laws.

(3) Without prejudice to the services rendered under subsection (2), the forensic science and DNA laboratory may perform any other analysis of samples of civil nature as needs arise.

(b) Products Quality Services

Products
quality
laboratory
services

21. (1) There shall be within the Authority, the laboratory responsible for matters related to product quality services.

(2) For the purpose of subsection (1), the Authority shall perform-

- (a) testing of food, drugs, cosmetics and respective raw materials;
- (b) microbiological testing;
- (c) instrumental analysis; and
- (d) testing of traditional medicine.

(3) The Authority may render any other service to be performed by the product quality laboratory as the exigency may require.

(c) Chemicals Management Services

Chemicals
management
laboratory
services

22.-(1) There shall be within the Authority the laboratory which shall be responsible for chemicals management services.

(2) For the purpose of subsection (1), the Authority shall perform analysis on-

(a) chemicals, chemical products and their raw materials in accordance with the Industrial and Consumer Chemicals (Management and Control) Act;

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Cap. 191

(b) samples related to occupational health in accordance with Occupational Health and Safety Act and environmental pollution in accordance with the Environment Management Act; and

(c) any other services as the need may require.

Conclusiveness
of the report

23. A report on analytical results issued by the Authority on services rendered in relation to forensic science and DNA, products quality and chemicals management shall be final and conclusive.

PART VI
REGULATION OF LABORATORIES
(a) Registration of Laboratory

Registration of
laboratories

24.-(1) A laboratory shall not offer chemical, forensic science or DNA laboratory services regulated under this Act unless such laboratory is registered under this Act.

(2) A laboratory shall not be registered unless it has staff who possess relevant qualifications and the laboratory premises contain facilities that meet standards prescribed in the regulations.

(3) An application for registration shall be in the manner prescribed in the Fourth Schedule to this Act and accompanied by such fee as prescribed in the regulations.

(4) The Chief Government Chemist shall keep and maintain a register of laboratories in which information and particulars of registered laboratories shall be entered.

(5) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine of not less than five million shillings or to imprisonment for a term not exceeding three years or both.

Issuance of certificate

25.-(1) A registered chemical, chemical dealers, training laboratory, chemical, forensic science or human DNA laboratory shall be issued with a certificate.

(2) The procedures for registration and certification of services regulated under this Act shall be as prescribed in the regulations.

Cancellation of registration of laboratory

26.-(1) The Chief Government Chemist may, upon approval by the Board, cancel registration of any chemical, forensic science or human DNA laboratory if-

(a) the certificate was procured in violation of any of the provisions of this Act; and

(b) the operations of the laboratory breaches any of the conditions attached to the registration.

(2) The Board shall, before cancelling registration of laboratory under this section afford the owner of such laboratory an opportunity to be heard.

(3) A cancellation of the registration of the laboratory under this section shall be published in the *Gazette*.

Appeals

27.-(1) A person who is aggrieved by the decision of the Board may, within three months from the date of notification of the decision, appeal to the Minister.

(2) The Minister may, within thirty days or allow any appeal, alter or vary the decision of the Board and make any order as he deems fit.

(3) The Minister shall, within one month after determination of the appeal, supply a copy of such determination to the appellant.

Notification of closure or change of ownership

28.-(1) An owner of a laboratory who intends to close his laboratory or change of ownership of the laboratory shall notify the Chief Government Chemist three months before such closure or change of ownership.

(2) Without prejudice to subsection (1), an owner shall, within three months before closure, submit the laboratory closure program to the Chief Government Chemist as prescribed in the Regulations, for approval, supervision and inspection.

(3) A person who fails to notify the Chief Government

Chemist commits an offence and shall be liable to a fine of not less than ten million shillings or imprisonment of a term of not less than three years or both.

(b) Inspection of Laboratory

Inspection of
laboratory

29.-(1) The Board may for the purpose of ensuring compliance with the provisions of this Act, conduct or cause to be conducted inspection in any premises or services.

(2) The Minister shall, upon the advice of the Board, make Regulations prescribing for:

- (a) appointment, designation, powers and qualification of inspectors; and
- (b) conducting of inspections for the purpose of this Act.

(c) Record Keeping and Reporting

Record keeping

30. An owner or operator of a registered laboratory shall keep records of services offered, recommendation from the previous inspection and mitigation measures, if any.

Reporting

31.-(1) An owner or operator of a registered laboratory shall submit a report to the Registrar two times in a year in the manner to be prescribed in the regulations.

(2) Subject to the provision of subsection (1), any person who fails to submit a report his certificate or permit shall be cancelled or suspended.

PART VII
NATIONAL HUMAN DNA DATABASE

The National
Human DNA
Database
Cap. 73

32.-(1) There shall be within the Authority, a National Human DNA Database, which shall serve as the central depository for human DNA records.

(2) There shall be designated human DNA laboratory as provided for under the Human DNA Regulation Act.

(3) Every designated human DNA laboratory shall submit data to the Authority.

(4) The data to be submitted to the Authority shall contain

such information as prescribed in the Fifth Schedule to this Act.

(5) The Board may review or vary the list of information to be contained in the database.

Access to
information

33.-(1) The Chief Government Chemist shall with or without fee authorize access to information contained in the Human DNA Database upon written request on matter prescribed in the Regulations.

(2) Information contained in the Human DNA Database may be accessible by-

(a) any person that the Chief Government Chemist may authorize; and

(b) Government institutions, agencies and departments.

(3) A person who access, disseminates or publishes information contained in the database without written authorization by the Chief Government Chemist commits an offence and upon conviction shall be liable to a fine of not less than ten million shillings or imprisonment of a term not less than five years or both.

PART VIII

THE NATIONAL POISON CONTROL CENTRE

National
Poison Control
Centre

34.-(1) The National Poison Control Centre shall be established and managed by the Authority.

(2) The Authority shall coordinate and manage poisoning incidences.

(3) The Authority's Zonal Laboratory may serve as sub-centre to the National Poison Control Centre.

(4) Without prejudice to subsection (1), the National Poison Control Centre shall perform the following functions:

(a) disseminate information to the public on poisoning;

(b) conduct laboratory analysis of poison;

(c) collect information from the information nodes on diagnosis and treatment of poisoning incidences;

(d) conduct training and research on matters related to poisoning;

(e) keep records of poisoning cases and incidences and scientific information regarding poisons.

Designation of information nodes

35.-(1) The Authority shall designate health facilities and other institutions to serve as information nodes to provide information on poisoning incidences.

(2) Every designated information node shall submit information on poisoning incidences to the Authority.

(3) The procedures and operations of information nodes shall be as prescribed in the regulations.

**PART IX
FINANCIAL PROVISIONS**

Sources of funds

36.-(1) Sources of funds of the Authority shall include-

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) fees imposed and other charges collected from services rendered;
- (d) proceeds derived from sale of assets and any other source of income identified by the Authority;
- (e) gifts, grants and donations; and
- (f) any other money borrowed, received by or made available to the Authority for the purpose of its functions.

(2) Subject to the provision of subsection (1), the Government shall, within every month in each financial year, allocate and disburse to the Authority moneys appropriated by the Parliament to cover expenditures for the activities of Authority.

(3) The fees and charges shall be as prescribed in the Regulations.

(4) For the purposes of subsections (1) and (2), fees and charges imposed for services rendered in respect of samples or exhibits relating to criminal matters, disasters, defence and security or any other sample of public interest shall be borne by Government.

Estimates of income and expenditure

37. -(1) The Chief Government Chemist shall prepare and submit to the Board an estimate of the revenue and expenditure for the Authority three months before the end of the preceding year.

(2) The Board shall forward to Minister the estimate of the revenue and expenditure prepared under subsection (1) for approval.

(3) No expenditure shall be made out of the funds of the Authority unless such expenditure is approved by the Minister under subsection (2).

Supplementary
budgets

38.-(1) Where, in any financial year, the Authority requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Board shall approve a supplementary budget detailing the disbursement.

(2) The annual budget and every supplementary budget shall be in the form and include the details which the Board may direct.

Annual report

39.-(1) The Chief Government Chemist shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Board.

(2) The Chief Government Chemist shall ensure that the annual financial statements are prepared and audited by the Controller and Auditor General within three months after the end of financial year.

(3) The financial statements shall include-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity; and
- (e) notes to the financial statements.

Submission of
annual
financial
statement

40.-(1) The Chief Government Chemist shall submit to the Minister an audited financial statements three months after the end of each financial year.

(2) The Minister shall cause a copy of the Audited Annual Financial Statements of the Authority to be laid before the Parliament, within two months or at the next meeting of the Parliament, after he has received the report.

Management

41.-(1) The Authority shall keep books of accounts and

and control of funds

maintain proper records of its operations in accordance with national accounting standards.

(2) The Authority shall prepared and keep proper books of accounts and record with respect to-

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Authority shall be used for the better carrying out of its objective under this Act.

(4) The expenditure of the Authority shall be subject to monitoring and review by the Board.

Operational principles

42.-(1) The Authority shall-

- (a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts, in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue collection account and payments shall be made from the expenditure account.

Powers to invest

43. Subject to the approval of the Treasury Registrar and Minister, the Authority may invest any monies in such a manner as it considers fit.

PART X GENERAL PROVISIONS

Power of the Minister to make regulations

44. The Minister may, after consultation with the Board make regulations in relation to-

- (a) sampling, and submission of forensic science samples;
- (b) standards of chemical, forensic science and human DNA laboratory's premises, facility and qualifications of staff;
- (c) procedures for registration and certification of

chemical, forensic science and human DNA laboratories;

- (d) the types and procedures for chemical, forensic science and human DNA laboratories inspection;
- (e) the reporting format of information for chemical, forensic science and human DNA laboratories;
- (f) designation, operations and procedures of poison information nodes;
- (g) retention of records generated from the Authority's functions;
- (h) powers, functions, conduct, qualifications and procedures for Government Laboratory Analyst;
- (i) fees and other charges;
- (j) DNA analysis and human DNA database; and
- (k) any other matter for the better carrying out of the provisions of this Act.

Protection of members of the Board and officers of the Authority

45. Nothing that was done by the Chief Government Chemist, any member of the Board, member of the committee, employee or any other person authorized to perform any function under this Act shall, if done in good faith in the execution or purported execution of the functions under this Act, render the member or officer personally liable for that matter or things done.

Ownership of assets and liabilities
Cap. 245 and GN No. 106 of 2000

46. All properties, rights, obligations, liabilities and assets owned by the Authority by virtue of the provisions of the Executive Agencies Act and the Executive Agencies (Government Chemist Laboratory Agency GCLA) Order, 2000 shall, on coming into operation of this Act, continue to be under the Authority.

Transfer of staff and their rights
Cap 245 and GN No. 106 of 2000

47. An employee or appointee of the Authority established under the Executive Agency Act and the Executive Agencies (Government Chemist Laboratory Agency GCLA) Order, 2000 shall on the coming into operation of this Act, shall continue to be an employee of the Authority in a post comparable to that which the employee held before coming into operation of this Act.

Remuneration of members of the Board

48. Members of the Board, technical committees and staff of the Authority, shall be entitled to such remuneration or

technical committees and staff

allowances as the Minister may, upon the recommendation of the Treasury Registrar, and any other relevant body.

Welfare and safety of staff

49. The Chief Government Chemist shall be responsible for the safety and welfare of staff in the work place in furtherance of the Authority.

Conflict of interests

50.-(1) Every employee of the Authority shall not be allowed to conduct a business regulated by the Act.

(2) Every employee shall refrain from any undertakings that may conflict his roles as staff of the Authority.

(3) Every employee shall have the duty of loyalty owed to a client and prohibited from representing any other person with interests adverse to those of a current client or have differing roles that will prohibit him to act impartially or breach a duty of loyalty.

(4) Every employee shall sign and date conflict of interest disclosure statement disclosing actual or potential conflicts of interest as prescribed in the regulations.

(5) Where within one month, an employee fails to sign and date conflict of interest disclosure Statement disclosing any actual or potential conflicts of interest without lawful cause, the Board may terminate his appointment or may determine the matter as it deems fit.

(6) Forms to be filled by every employee shall be submitted to the Chief Government Chemist for scrutiny and approval.

Confidentiality and disclosure of information

51.-(1) Every employee or authorized agent of the Authority shall, at all times while dealing with any document, sample or its analytical results, maintain confidentiality.

(2) The Chief Government Chemist, members of the Board, Committees, employee of the Authority and authorized agent, shall treat as confidential the source of any information which comes to their knowledge in the course of the performance of their duties.

(3) The provisions of this section shall remain in force in respect of all persons involved in forensic science and DNA analysis and issuance of laboratory analytical results for their

entire life whether or not such persons have ceased to be engaged or employed in the furtherance of the administration of the provisions of this Act.

(4) Notwithstanding the provisions of this Act, the Chief Government Chemist may publish or cause to be published any information furnished to the Authority or the contents of any record of returns made available to the Authority in the form of a summary which does not enable identification of the source of the information, record or returns.

(5) Any person who is or has been engaged in the administration of this Act and discloses any information acquired in the exercise or purported exercise of his functions under this Act to any other person contrary to the provision of this section, commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or both.

Powers of the Minister to give directives

52. The Minister may, subject to the provisions of this Act, give directives to facilitate the implementation and performance of the Authority and the provisions this Act.

Offence against tempering with documents or reports.

53. Any employee of the Authority who knowingly or intentionally destroys, varies or alters a document or laboratory analysis report generated in the process of carrying out activities under this Act commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or to imprisonment for a period of not less than six month or to both.

Liability of body corporates and partnerships

54.-(1) Where an offence is committed by a body corporate or partnership, every director, chief executive officer or officer of the body corporate, partner or officer of the partnership who had knowledge or should have had knowledge of the commission of the offence shall be guilty of the offence.

(2) A person shall be personally liable for an offence under this Act, whether committed by him on his own account or as an agent or servant of the person.

Power to compound offences

55.-(1) The Authority may, where it is satisfied that a person has committed an offence under this Act, compound the offence by accepting from such person a sum of money not

exceeding five million shillings.

(2) The powers conferred under this section shall be exercised when a person admits that he has committed the offence under this Act.

(3) Any sum of money received under this section shall be dealt with as if the sum of money were a fine imposed by the court of law for the offence.

General
Penalty

56. A person who commits an offence under this Act, for which a penalty is not specifically provided, shall be liable, on conviction to a fine of-

- (a) not less than one million shillings for a natural person or to imprisonment of not less than six months or to both; and
- (b) not less than five million for a body corporate.

FIRST SCHEDULE

(Made under section 7)

TENURE OF MEMBERS, PROCEEDINGS OF THE BOARD AND OTHER MATTERS RELATING TO THE BOARD

Tenure of
office

1.-(1) The Chairman and members of the Board shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment for one more term.

(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Board.

(3) A member of the Board shall cease to be a member if he-

- (a) dies or resigns for any reasons;
- (b) fails without good cause to attend three consecutive meetings of the Board;
- (c) is convicted of a criminal offence for a term of or beyond six months; or
- (d) becomes mentally ill.

(4) Where an office of a member follows vacant for any of the reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.

Meetings

2.-(1) The Board shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its

The Government Chemist Laboratory Authority Act

- (d) a representative from Drugs Control Commission;
 - (e) a Law Officer nominated by the Attorney General Office.
 - (f) A representative from the Wildlife Department from the responsible Ministry.
- (2) The Director responsible for matters related to forensic science and human DNA services shall be the Secretary to the committee.
- (3) When dealing with a specific matter for which extra expertise is required, the committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.
- Functions of the committee **2.** The functions of the committee shall be to advise the Chief Government Chemist on matters related to forensic science services.
- Tenure of office **3.**-(1) The Chairman and members of the committee shall, unless his appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for another term.
- (2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.
- (3) A member of the committee shall cease to be a member if he-
- (a) dies or resigns for any reasons;
 - (b) fails without good cause to attend three consecutive meetings of the committee;
 - (c) is convicted of a criminal offence for a term of or beyond six months; or
 - (d) becomes mentally ill.
- (4) Where an office of a member is vacant for any reasons the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.
- Meetings of the committee **4.** (1) The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.
- (2) The Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.
- (3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.
- (4) The committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the committee shall be read and confirmed at the next meeting of the committee and signed by the Chairman and Secretary at the meeting.
- Quorum **5.**-(1) The quorum at any meeting of the committee shall be two thirds of the members in office.
- (2) Matters proposed at a meeting of the committee shall be decided

by a majority of the votes of the members present.

(3) The validity of any act or proceedings of a properly constituted committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

Proceedings **6.** Subject to this Schedule, the Committee shall regulate its own proceedings.

THIRD SCHEDULE

(Made under section 12)

**COMPOSITION, APPOINTMENT, FUNCTIONS AND PROCEDURES
OF THE POISON CONTROL TECHNICAL COMMITTEE**

- Appointment of members and composition **1.**-(1) The Minister shall appoint the Chairman and other six members of the Poisons Control Technical Committee as follows:
- (a) a representative from Ministry responsible for Agriculture;
 - (b) a representative from Directorate responsible for Forensic in the Police Force;
 - (c) a senior medical Doctor for Quality Control and Improvement Unit, from Muhimbili National Hospital;
 - (d) a representative from National Institute of Medical Research;
 - (e) a representative from Preventive Department, Ministry of Health and Social Welfare; and
 - (f) a representative from Tropical Pesticides Research Institute (TPRI).
- (2) The Director responsible for matters related to forensic science and DNA services shall be the Secretary to the committee.
- (3) When dealing with a specific matter for which extra expertise is required, the Committee may co-opt persons who have the relevant expertise; such co-opted persons shall have no right to vote and shall cease to be members when the matter is determined.
- Functions **2.** The Poisons Control Technical Committee shall-
- (a) advise the Chief Government Chemist on technical and administrative matters related to poison control;
 - (b) oversee the overall management and performance of the poison control center and advise the Chief Government Chemist accordingly;
 - (c) advice and facilitate national, regional and international collaboration among poison control centers; and
 - (d) advise on development and adoption of data collection, analysis, reporting and dissemination of toxico-vigilance.

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Tenure of office	<p>3.-(1) The Chairman and members of the committee shall, unless the appointment is terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for reappointment for another term.</p> <p>(2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the committee.</p> <p>(3) A member of the committee shall cease to be a member if he-</p> <ul style="list-style-type: none">(a) ceases or resigns for any reasons;(b) fails without good cause to attend three consecutive meetings of the committee;(c) is convicted of a criminal offence for a term of or beyond six months; or(d) becomes mentally ill. <p>(4) Where an office of a member is vacant for any reasons under subsection (3), the Minister may appoint a person to fill the vacancy during the remainder of the term for which the vacating member was appointed.</p>
Meetings	<p>4.-(1)The committee shall ordinarily meet at least once in every three months at such times and places as it deems necessary for transaction of its business.</p> <p>(2) Notwithstanding subsection (1), the Chairman may, upon approval of two thirds of members, call an extraordinary meeting to transact on matters requiring immediate attention.</p> <p>(3) In the absence of the Chairman, members present at the meeting shall elect one member from amongst themselves to act as a chairman for that meeting.</p> <p>(4) The committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the committee shall be read and confirmed at the next meeting of the Committee and signed by the Chairman and Secretary at the meeting.</p>
Quorum	<p>5.-(1) The quorum at any meeting of the Committee shall be two thirds of the members in office.</p> <p>(2) Matters proposed at a meeting of the Committee shall be decided by a majority of the votes of the members present.</p> <p>(3) The validity of any act or proceedings of a properly constituted Committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.</p>
Proceedings	<p>6. Subject to this Schedule, the Committee shall regulate its own proceedings.</p>

FOURTH SCHEDULE

(Made under section 24)

**AUTHORITY
P.O.BOX 164 DAR ES SALAAM
APPLICATION FORM FOR REGISTRATION OF LABORATORY**

1. Particulars of the applicant:

- 1.1 Name:
- 1.2 Address:
- 1.3 Telephone:
- 1.4 Fax:
- 1.5 E-mail:
- 1.6 Certificate Incorporation No:
- 1.7 Business License:

2. Physical Address:

- 2.1 Plot No:
- 2.2 Street No:
- 2.3 District:
- 2.4 Region:

3. Proprietor of the Laboratory (if different from (1) above)

- 3.1 Name:
- 3.2 Address:
- 3.3 Telephone:
- 3.4 Fax:
- 3.5 E-mail:

4. Requirements for Registration

- 4.1 Technical staff with required qualification

(Attach CVs and copies of certification)

Nature of laboratory activities (chemical, forensic or DNA tick as appropriate)

4.3 Please attach the following documents:

- Laboratory Safety Plans
- Emergency Response Procedures

I hereby declare that the above statements are true and correct to the best of my knowledge.

Signature:..... Date:.....

Official Use only:

A. No.:Name:.....Sign:.....Date:.....

FIFTH SCHEDULE

(Made under section 32)

INFORMATION TO BE CONTAINED IN THE HUMAN DNA DATABASE

The information in the Database shall contain but not limited to:

- (1) Crime Scene index.
- (2) New Born.
- (3) Civil index.
- (4) Convicted offender index.
- (5) Remandees
- (6) Violent offenders.
- (7) Sexual offender.
- (8) Disaster victims index.
- (9) Elimination database.
- (10) Information on national identification.
- (11) Defense Force, Police force.

OBJECTS AND REASONS

This Bill proposes for the enactment of the Government Chemist Laboratory Authority Act (GCLA). The Bill intends to complement to the Government efforts in improving the wellbeing of its people and the environment. This initiative came into being as a result of emerging issues that hinders smooth operations of the Authority (GCLA) to realize its objectives and to attain its vision.

GCLA has been conducting its duties and responsibilities from the mandates given from other legislation in Tanzania. Thus, the establishment of the Authority will set out a legal framework of all functions of the Authority to the Government, Institutions and public at large. This will reduce the contradictions and confusion caused to clients and public in understanding the powers and functions of the Authority. In addition the proposed Act provides powers to the Authority to be a referral laboratory on matters related to forensic science, DNA services, product quality and management of chemicals and management of poison control.

The proposed Authority Act also focuses on the establishment of Authority by setting out functions and powers of the Authority to regulate chemical laboratories, forensic science laboratories and human DNA laboratories in the country.

The Bill is divided into ten Parts.

Part I provides for preliminary matters that include short title, date of commencement and interpretation.

Part II provides for establishments, functions and powers of GCLA.

Part III provides for Administration and Institutional arrangement. In this part the appointment, functions and powers of Chief Government Chemist (CGC) are provided. Furthermore, this part provides for provisions on establishment of the Board, its powers and functions. It also provides for establishment of Technical Committees for the purpose of advising the Chief Government Chemist on matters related to forensic science services and poison control. This part also outlines procedures for appointment of Government Laboratory Analyst and Inspectors including their powers and functions.

Part IV of the Bill contains provisions on the management of samples, analytical results and its legal consequences on any person who uses certificate of analysis issued under this Act for the purposes of advertisement without having a written consent of the Chief Government Chemist. This part further makes the provisions on laboratory report, issuance of report, procedures and admissibility of such report.

Part V provides provisions for establishment of laboratories and services rendered by the Authority to other Government institutions private sector and the public. These laboratories are intending to provide services for forensic science (toxicology, chemistry, biology and DNA), product quality (microbiology, food and drug and instrumental analysis laboratory) and chemicals management (environmental laboratory, occupational health samples, chemical and chemicals products).

Part VI establishes power to the Authority to regulate chemical, forensic science and human DNA laboratories in Tanzania. This part provides further provisions on requirements for registration of laboratories and issuance of certificates. Moreover, the provision creates some procedures on the notification of closure, change of ownership and cancelation of registration. It further provides provisions on inspection of laboratory, record keeping and reporting.

Part VII provides provision on establishment of the National Human DNA Database. This part also provides provisions on requirements to access information contained in the Human DNA Database. In addition, it creates an offence to any person who access, disseminates or publishes information contained in the Database without a written authorization from Chief Government Chemist.

Part VIII of the Bill provides provisions on National Poison Control Centre and its functions. It also contains provisions regarding information to the public on poisoning, laboratory analysis of poison, diagnosis and treatment of poisoning incidences as well as to keep records of poisoning cases. Apart from that, it also provides provisions to Chief Government Chemist to designate information nodes which shall be a source of information on poisoning incidences to the National Poison Control Center.

Part IX of the Bill deals with financial management and it provides for sources of funds, annual reports, accounts, management and control of funds, annual and supplementary budgets, operational principles and powers to invest.

The Government Chemist Laboratory Authority Act

Part X of the Bill contains provisions for miscellaneous, including provisions for power of the Minister to make regulations, protection of members of the Board and officers of the Authority, ownership of assets and liabilities, transfer of staff and their rights, remuneration of member of the Board, welfare and safety of staff. Furthermore, it also provides provisions for appeal against decision of the Authority, liability of body corporate, partnerships, agents, principles and employers and powers of the Chief Government Chemist to compound offences.

SHERIA YA MAMLAKA YA MAABARA YA MKEMIA MKUU WA
SERIKALI

MPANGILIO WA VIFUNGU

Kifungu *Kichwa cha Habari*

SEHEMU YA KWANZA
MASHARTI YA AWALI

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
MASUALA YA UTAWALA NA MPANGILIO WA TAASISI

4. Kuanzishwa kwa Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali.
5. Majukumu ya Mamlaka.
6. Idara, Kanda, Vitengo na Sehemu.

SEHEMU YA TATU
USIMAMIZI NA MUUNDO WA MAMLAKA

7. Kuanzishwa kwa Bodi.
8. Majukumu na Mamlaka ya Bodi.
9. Uundwaaji wa Kamati za Kitaalamu.
10. Uteuzi wa Mkemia Mkuu wa Serikali.
11. Majukumu na Mamlaka ya Mkemia Mkuu wa Serikali.
12. Mamlaka ya Kukasimisha.
13. Uteuzi na Majukumu ya Mchunguzi wa Serikali.
14. Uteuzi wa Wakaguzi.
15. Majukumu na Mamlaka ya Wakaguzi.

SEHEMU YA NNE
USIMAMIZI WA SAMPULI NA MATOKEO YA UCHUNGUZI

16. Usimamizi wa Sampuli.
17. Hati ya Uchunguzi wa kumaabara na matokeo yake.
18. Utoaji wa hati ya Uchunguzi.
19. Shahidi Mtaalamu.

SEHEMU YA TANO
HUDUMA ZA MAMLAKA

(a) Huduma za Sayansi Jinai na Vinasaba

20. Huduma za Maabara ya Sayansi Jinai.

(b) Huduma za Ubora wa Bidhaa

21. Huduma za Maabara ya Ubora wa Bidhaa.

(c) Huduma za Usimamizi wa Kemikali

22. Huduma za Maabara ya Usimamizi wa Kemikali.
23. Ukomo wa ripoti ya uchunguzi

SEHEMU YA SITA
USIMAMIZI WA MAABARA

(a) Usajili

24. Usajili wa Maabara.
25. Utoaji wa Cheti.
26. Kufutwa kwa usajili wa maabara.
27. Kukata rufaa.
28. Taarifa ya kufunga au kubadilisha umiliki.

(b) Ukaguzi

29. Ukaguzi wa maabara.

(c) Utunzaji kumbukumbu na utoaji taaarifa

30. Utunzaji wa kumbukumbu.

31. Utoaji wa taarifa.

SEHEMU YA SABA

KANZIDATA YA TAIFA YA VINASABA VYA BINADAMU

32. Kanzidata ya Taifa ya Vinasaba vya Binadamu.

33. Fursa ya kupata Taarifa.

SEHEMU YA NANE

KITUO CHA TAIFA CHA KUDHIBITI MATUKIO YA SUMU

34. Kituo cha Taifa cha kuthibiti wa matukio ya sumu.

35. Uteuzi wa vituo vidogo vya utoaji taarifa.

SEHEMU YA TISA

USIMAMIZI WA FEDHA

36. Vyanzo vya Mapato.

37. Makadirio ya mapato na matumizi.

38. Bajeti ya Nyongeza.

39. Taarifa ya mwaka.

40. Uwasilishaji wa Taarifa za fedha.

41. Usimamizi na udhibiti wa fedha.

42. Misingi ya uendeshaji.

43. Mamlaka ya kuwekeza.

SEHEMU YA KUMI

MASHARTI YA JUMLA

44. Mamlaka ya Waziri kutunga kanuni.

45. Kinga ya wajumbe wa Bodi na maafisa wa Mamlaka.

46. Umiliki wa raslimali na madeni.
47. Uhamisho wa watumishi na haki zao.
48. Ujira wa wajumbe wa Bodi.
49. Ustawi na usalama wa watumishi.
50. Mgongano wa kimaslahi.
51. Usiri na utoaji wa taarifa.
52. Mamlaka ya Waziri kutoa maelekezo.
53. Makosa ya yanayohusu kuharibu, kubadilisha nyaraka au taarifa.
54. Wajibu wa kisheria wa kampuni na wabia wake.
55. Mamlaka ya kufifilisha kosa.
56. Adhabu za jumla.

TAARIFA

Muswada huu utakaowasilishwa Bungeni umechapishwa pamoja na madhumuni na sababu zake kwa ajili taarifa ya jumla kwa umma.

Dar es Salaam,
3 Juni, 2016

JOHN W. H. KIJAZI,
Katibu wa Baraza la Mawaziri

MUSWADA

wa

Sheria kwa ya Kuanzisha na kuweka mfumo wa kishera wa Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali, kuweka mamlaka, majukumu yake na kuweka masuala mengine yanayohusiana.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA AWALI

Jina na tarehe
ya kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali ya mwaka 2016 na itanza kutumika tarehe ambayo Waziri atateua kwa Tangazo litakalochapishwa kwenye *Gazeti* la Serikali.

Matumizi

2. Sheria hii itatumika Tanzania Bara.

Tafsiri

3. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo-
“Mamlaka” maana yake ni Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali iliyoanzishwa chini ya kifungu cha 4;
“Bodi” maana yake ni Bodi Wakurugenzi ya Mamlaka iliyoanzishwa kwa mujibu wa kifungu cha 7;
“kemikali” maana yake ni kemikali ya viwandani au kemikali

- inayotumiwa majumbani au kemikali yoyote inayotokana bidhaa ambayo ni-
- (a) aina yoyote, ama imetengenezwa yenyewe au kwa kuchanganywa au imeandaliwa;na
- (b) ama imetengenezwa au kupatikana kwenye ualisia;
- “Mkemia Mkuu wa Serikali” maana yake ni mtu aliyeteuliwa chini ya kifungu cha 10 cha Sheria hii;
- “kemikali inayotumiwa majumbani” maana yake ni kemikali au bidhaa ya kemikali inayotumika au inayokukusudiwa kutumika kwa matumizi ya nyumbani au kwenye shughuli zisizokuwa za viwanda;
- “mfanyabiashara wa kemikali” maana yake ni mtu anayejishughulisha na uuzaji, usambazaji, utumiaji au kujishughulisha na kemikali katika namna yoyote ile;
- Sura 73 “Vinasaba” itakuwa na maana sawa kama ilivyoainishwa katika Sheria ya Uthibiti wa Vinasaba vya Binadamu;
- “sayansi jinai” maana yake ni utaalumu wa jinai toksikolojia, kemia na baiolojia zinazotumika kwa ajili ya kugundua taarifa kuhusu jinai kwa kuchambua kisayansi vitu vilivyohusika katika makosa ya jinai;
- Sura 20 “Mchunguzi wa Kimaabara wa Serikali” maana yake ni mtu aliyeteuliwa na Waziri kutekeleza majukumu ya mchunguzi wa maabara kama alivyoelezewa chini ya Sheria hii au Sheria nyingine yoyote;
- “kemikali za viwandani” maana yake ni kemikali yoyote au bidhaa inayotokana na kemikali inayotumika au inayokusudiwa kutumika kwa matumizi ya viwandani;
- “maabara” maana yake ni kifaa chochote kinachotumika kufanya uchunguzi wa sayansi jinai, mikrobaiolojia, vinasaba, kemikali na maabara za mafunzo;
- “mkaguzi” maana yake ni mkaguzi wa maabara ya kemia, sayansi jinai na vinasaba vya binadamu aliyeteuliwa chini ya kifungu cha 14(1) cha Sheria hii;
- “taarifa ya uchunguzi wa kimaabara” maana yake ni taarifa ya maabara inayoonyesha matokeo ya uchunguzi wa sampuli iliyochukuliwa na inajumuisha hati ya uchunguzi iliyotolewa chini ya Sheria hii;
- “Wizara” maana yake ni Wizara iliyo na dhamana ya masuala ya afya;
- “mamlaka inayoomba” maana yake ni mtu au taasisi ambayo

- inafanya mchakato wa uchunguzi wa sampuli zilizotolewa chini ya kifungu cha 16(1) cha Sheria hii;
- “sampuli” maana yake ni sampuli-wakilishi au kielelezo kilichowasilishwa kwenye maabara kwa ajili ya uchunguzi; na
- “kamati ya ufundi” maana yake ni kamati ya sayansi jinai au kituo cha kitaifa cha kuthibiti matukio ya sumu yaliyoainishwa chini ya kifungu cha 9 cha Sheria hii;
- “uchunguzi” maana yake ni uchambuzi au ukaguzi unaofanywa kwa ajili ya kutambua, na kwa kawaida hutegemea mbinu iliyotumika.

SEHEMU YA PILI
MASUALA YA UTAWALA NA MPANGILIO WA TAASISI

Kuanzishwa
kwa Mamlaka
ya Maabara ya
Mkemia Mkuu
wa Serikali

4.-(1) Kitaanzishwa chombo kitakachojulikana kama Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali, kwa kifupi "GCLA"

(2) Mamlaka iliyoanzishwa chini ya kifungu kidogo cha (1), itakuwa ni chombo cha Juu na Maabara ya Rufaa ya Serikali ya Jamhuri ya Muungano wa Tanzania, na itafanya kazi zilizoinishwa chini ya Sheria hii.

(3) Mamlaka itakuwa ni kampuni hodhi yenye urithi wa kudumu na kitakuwa na muhuri wake, na kwa kutumia jina lake itakuwa na uwezo wa-

- (a) kushtaki na kushtakiwa;
- (b) kununua na kumiliki mali yoyote inayohamishika na isiyohamishika;
- (c) kukopa na kukopesha;
- (d) kuingia mikataba au kufanya miamala yoyote ile; na
- (e) kufanya jambo lolote ambalo kampuni inaweza kufanya.

(4) Bila kujali masharti yaliyotangulia katika kifungu hiki, Mwanasheria Mkuu wa Serikali atakuwa na haki ya kuingilia kati katika kesi au shauri lolote lililofunguliwa dhidi ya Mamlaka.

(5) Pale ambapo Mwanasheria Mkuu wa Serikali anaingilia kesi yoyote au shauri lolote, masharti ya Sheria ya Mwenendo wa mashauri dhidi ya serikali yatatumika kuhusiana na mwenendo wa shauri au suala kama vile shauri au suala hilo limefunguliwa dhidi ya Serikali.

(6) Kwa madhumuni ya kifungu kidogo cha (3) na (4),

Sura ya 5

Mamlaka itakuwa na wajibu wa kumtaarifu Mwanasheria Mkuu wa Serikali kuhusu shauri lolote au suala lililofunguliwa dhidi ya Mamlaka

Majukumu ya Mamlaka

5.-(1) Mamlaka itakuwa maabara ya rufaa na matokeo yake ya uchunguzi yatakuwa ni ya mwisho kuhusiana na masuala yanayohusu uchunguzi wa kimaabara.

(2) Bila ya kuathiri ujumla wa kifungu kidogo cha (10) Mamlaka -

- (a) itafanya shughuli za utafiti, uchunguzi wa kimaabara na kuishauri Serikali na taasisi nyingine kuhusu masuala yanayohusu uchunguzi wa sumu, kibaiologia, vinasaba, dawa za kulevya, sayansi jinai, kemia, chakula, dawa, afya mahali pa kazi, kemikali za viwandani na bidhaa zake na sampuli za mazingira kwa ajili ya kulinda afya, sheria, jamii na muingiliano wa mazingira;
- (b) itasimamia maabara za kemia, sayansi jinai na vinasaba ili kuhakikisha kuwa zinakidhi viwango vilivyowekwa;
- (c) itatoa, itasimamia shughuli za kitaifa za vinasaba vya binadamu kwa mujibu wa Sheria ya Usimamizi wa Vinasaba vya Binadamu au Sheria nyingine yoyote;
- (d) itaratibu programu ya kitaifa ya usimamizi wa kemikali, sayansi jinai na huduma za vinasaba vya binadamu;
- (e) kusimamia Kituo cha Taifa cha Kuratibu na Kudhibiti Matukio ya Sumu;
- (f) itasimamia na kuendesha mafunzo na programu za uelimishaji katika masuala yanayohusiana na usimamizi wa kemikali, huduma za vinasaba vya binadamu na masuala mengine yanayosimamiwa na Sheria hii;
- (g) itaandaa na kutoa muongozo, maelekezo, fursa, mafunzo kwa wanasayansi nje ya utalamu unaotokana na kazi za Mamlaka;
- (h) itakusanya, kuainisha, kuchunguza ushahidi wa kisayansi kuhusiana na masuala ya kisheria; na
- (i) itatekeleza majukumu mengine kama itakavyoelekezwa na Waziri.

Sura ya 73

(3) Kwa mujibu wa kifungu kidogo cha (1), Mamlaka itasajili na kufuta usajili wa-

- (a) maabara za kemia, sayansi jinai pamoja na maabara za vinasaba;

- (b) kemikali zinazotumiwa viwandani au majumbani na wafanyabiashara wa kemikali;
- (c) mtu yeyote anayejihusisha na uendeshaji wa mafunzo na programu za uelimishaji kuhusu masuala ya usimamizi wa kemikali, huduma za vinasaba vya binadamu na majukumu mengine chini ya Sheria hii; na
- (4) Mamlaka inaweza, kutoa huduma za ushauri elekezi kwenye suala lolote lililoainishwa chini ya Sheria hii.

kurugenzi,
Kanda, Vitengo
na Sehemu

6. Mamlaka kwa madhumuni ya kufanikisha utekelezaji wa majukumu yake, na kwa kushauriana na Waziri anayehusika na Fedha na utumishi wa umma-

- (a) itaanzisha kurugenzi, kanda, vitengo na sehemu kadhaa pamoja na kuainisha majukumu yake kadri Bodi itakavyoona inafaa;
- (b) itaajiri watumishi wa kada mbalimbali na kufanya uteuzi ili kutekeleza majukumu ya Mamlaka kadri itavyohitajika.

SEHEMU YA TATU USIMAMIZI NA MUUNDO WA KITAASISI

Kuanzishwa
kwa Bodi

7.-(1) Itaanzishwa Bodi ya Mamlaka ambayo itakuwa na wajibu wa kusimamia majukumu na masuala yanayohusu Mamlaka.

(2) Bodi itakuwa na Mwenyekiti atakayeteuliwa na Rais mwenye uzoefu usiopungua miaka kumi katika uzoefu wa masuala ya utawala katika utumishi wa umma na wajumbe wengine wasiozidi sita watakaoteuliwa na Waziri kama ifuatavyo-

- (a) mwakilishi kutoka Jeshi la Polisi mwenye cheo cha ngazi ya Mkaguzi au zaidi;
- (b) mwakilishi kutoka Wizara;
- (c) mwakilishi kutoka taasisi za elimu ya juu au utafiti wenye utaalamu katika masuala yafuatayo-
 - (i) patholojia;
 - (ii) kemia na madini;
 - (iii) kemia; au
 - (iv) baiolojia ya molekulya au baiteknolojia;
- (d) afisa wa Sheria atakayeteuliwa na Mwanasheria Mkuu wa Serikali;
- (e) mwakilishi kutoka idara ya utumishi wa umma; na

- (f) mwakilishi kutoka Wizara ya Fedha ambaye mwenye weledi katika masuala yanayohusiana na uhasibu na fedha.
- (3) Mkemia Mkuu wa Serikali atakuwa Katibu wa Bodi.
- (4) Bodi inaweza, iwapo itaona inafaa, kumualika mtu yeyote kuhudhuria mikutano yake, isipokuwa mjumbe huyo hatakuwa na haki ya kupiga kura.
- (5) Muda wa kuwa madarakani wa wajumbe, mwenendo wa Bodi pamoja na masuala mengine yanayohusiana na Bodi yatakuwa kama yalivyoainishwa kwenye Jedwali la Kwanza.
- (6) Waziri anaweza, kwa amri itakayotangazwa kwenye gazeti la Serikali kubadilisha au kurekebisha au kuongeza kitu chochote katika Jedwali la Kwanza kwenye Sheria hii.

Majukumu
na Mamlaka
ya Bodi

- 8.-(1)** Majukumu na mamlaka yatakuwa-
- (a) kuidhinisha usajili, kusitisha kwa muda au kufuta maabara za kemia, sayansi jinai na vinasaba vya binadamu;
 - (b) kuidhinisha usajili, kusitisha au kufuta usajili wa kemikali za viwandani, majumbani au wafanyabiashara wa kemikali;
 - (c) kuidhinisha miongozo, kanuni na amri ili kuwezesha utekelezaji wa Sheria hii;
 - (d) kutoa msamaha wa malipo ya tozo zote zinazohusiana na huduma zinazotolewa na Mamlaka;
 - (e) kuidhinisha au kufuta vibali au leseni za utafiti wa vinasaba;
 - (f) kuruhusu kuzuia matumizi na kuagiza kuharibiwa au kuteketezwa vitu, kemikali na bidhaa za kemikali;
 - (g) kuidhinisha bajeti na taarifa ya mwaka ya fedha za mamlaka;
 - (h) kuidhinisha na kumshauri Waziri kuhusu mikakati ya kisera itanayotekelezwa na Mamlaka;
 - (i) kuidhinisha tozo zinazolipwa kutokana na huduma zinazotolewazo na Mamlaka;
 - (j) kumshauri Waziri kuhusu utendaji wa menejimenti kwa kuzingatia malengo yaliyowekwa na utekelezaji wa vipaumbele vya kisera;
 - (k) kumshauri Waziri kuhusiana na uteuzi wa wakaguzi, maafisa wachukuaji wa sampuli na wachunguzi wa Serikali;

- (l) kuchukua sampuli kwa ajili ya uchunguzi wa kimaabara;
 - (m) kuagiza na kufanya uchunguzi wa kimaabara kusuhu suala lolote lenye maslahi ya taifa ambalo sayansi jinai, ubora wa bidhaa na usimamizi wa kemikali unaweza ukahitajika; na
 - (n) kufanya ukaguzi kwenye maeneo au huduma zinazosimamiwa na Sheria hii.
- (2) Bodi inaweza kukasimisha majukumu yake kwa Mkemia Mkuu wa Serikali, kamati ya Bodi au wafanyakazi wa Mamlaka.
- (3) Bodi kwa nia ya kuwezesha utekelezaji wa majukumu yake, itateua idadi ya kamati kwa ajili ya kufanya kazi maalum za Bodi.

Uundwaji wa
Kamati za
Kitaalam

- 9.**-(1) Kutakuwepo na Kamati za Kitaalam ya huduma ya sayansi jinai na Kamati ya kitaalam ya kudhibiti sumu zitakazoundwa na Waziri, baada ya kushauriana na Bodi.
- (2) Kamati zilizoundwa chini ya kifungu kidogo cha (1) zitakuwa na wajibu wa kumshauri Mkemia Mkuu wa Serikali katika masuala ya kitaalam yayohusiana na sayansi jinai na udhibiti wa matukio ya sumu
- (3) Muundo, uteuzi, kazi na mwenendo wa Kamati za Kitaalam zitaainishwa kwenye Jedwali la Pili na la Tatu la Sheria hii.

Uteuzi wa
Mkemia
Mkuu wa
Serikali
Sura ya 245

- 10.**-(1) Atakuwepo Mkemia Mkuu wa Serikali atakayeteuliwa na Rais miongoni mwa watumishi wa umma ambaye atakuwa-
- (a) angalau na sifa ya Shahada ya Uzamili ya kemia au taaluma zingine zinazohusiana nazo;
 - (b) uzoefu zaidi ya miaka kumi katika masuala yanayohusiana na kemia na sifa za uongozi na uadilifu uliothibitika.
- (2) Mkemia Mkuu wa Serikali atakuwa-
- (a) mtendaji Mkuu na Afisa Masuhuli wa Mamlaka na atawajibika kusimamia shughuli za kila siku za Mamlaka;
 - (b) msajili wa maabara za kemia, sayansi jinai na vinasaba;
 - (c) msimamizi wa huduma za vinasaba aliyeteuliwa chini ya Sheria ya Usimamizi wa Vinasaba vya Binadamu (Usimamizi na Udhibiti); na
 - (d) Msajili aliyeteuliwa chini ya Sheria ya kemikali za viwandani na majumbani.
- (3) Mkemia Mkuu wa Serikali atashika madaraka kwa muda wa miaka mitano na anaweza kulingana na utendaji wake wa kazi

kuteuliwa tena kwa kipindi kingine kimoja.

Majukumu
na mamlaka
ya Mkemia
Mkuu wa
Serikali

11.-(1) Mkemia Mkuu wa Serikali atatekeleza majukumu yafuatayo-

- (a) baada ya kuidhinishwa na Bodi-
 - (i) kufuta, kubadilisha, kurekebisha au kuondoa jina lolote au taarifa kwenye rejesta;
 - (ii) kutoa cheti kwa mwombaji aliyekidhi vigezo;
- (b) kutunza na kuhifadhi rejesta ya:
 - (i) maabara za kemia, sayansi jinai na vinasaba;
 - (ii) kemikali za viwandani au majumbani au wafanyabiashara wa kemikali;
 - (iii) Data ya vinasaba vya Binadamu; na
 - (iv) Wachunguzi wa Kimaabara wa Serikali;
- (c) kusimamizi menejimenti na maendeleo ya taasisi na nidhamu ya wafanyakazi wa Mamlaka; na
- (d) kutekeleza majukumu mengine kama itakavyoelekezwa na Bodi.

(2) Mkemia Mkuu wa Serikali, katika kutekeleza majukumu yake, atakuwa na mamlaka yafuatayo-

- (a) kutengeneza miongozo kwa ajili ya utekelezaji wa Sheria hii;
- (b) baada ya taratibu kukamilika, kuzuia matumizi na kuagiza kuharibiwa kitu, kemikali au bidhaa za kemikali.

(3) Mkemia Mkuu wa Serikali, kwa nyongeza ya mamlaka aliyopewa na kifungu kidogo (2), atatekeleza mamlaka aliyopewa chini ya Sheria ya Usimamizi na Udhhibiti wa Kemikali za Viwandani na Majumbani na Sheria ya Usimamizi wa Sheria ya Usimamizi wa Vinasaba vya Binadamu.

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na Sura ya
73

Mamlaka ya
Kukasimisha

12.-(1) Mamlaka na kazi za Mkemia Mkuu wa Serikali zinaweza kutekelezwa au kufanywa na afisa yeyote wa Mamlaka.

(2) Mkemia Mkuu wa Serikali, baada ya kushauriana na Waziri anaweza, kwa tangazo litakalochapishwa katika *Gazeti* la Serikali kukasimisha kwa mtu yeyote, taasisi au kundi la watu baadhi ya majukumu au mamlaka yake kwa kufuatia vigezo na masharti na mipaka kama ilivyoainishwa katika hati ya ukasimishaji.

(3) Ukasimishaji uliofanyika chini ya kifungu hiki hautamzuia Mkemia Mkuu wa Serikali kutekeleza mamlaka aliyopewa chini ya Sheria hii.

Uteuzi na majukumu ya wachunguzi wa Serikali

13.-(1) Waziri kwa kushauriwa na Mkemia Mkuu wa Serikali na kwa tangazo litakalochapishwa kwenye *Gazeti* la Serikali, anaweza kuteua maafisa kutoka kwenye Mamlaka au taasisi nyingine inayofaa walio na sifa zinazofaa kuwa Wachunguzi wa Kimaabara wa Serikali kwa madhumuni ya utekelezaji wa Sheria hii au Sheria nyingine.

(2) Mchunguzi wa Kimaabara wa Serikali atafanya uchunguzi wa kimaabara wa sampuli mbalimbali kama ilivyoainishwa chini ya Sheria hii au Sheria nyingine yoyote.

(3) Kwa ajili ya utekelezaji wa kwa ufanisi, Mkemia Mkuu wa Serikali atatumza rejesta ya Wachunguzi wote wa Serikali;

(4) Mamlaka, majukumu, mwenendo, sifa na taratibu za Wachunguzi wa Kimaabara wa Serikali zitaainishwa kwenye Kanuni.

Uteuzi wa Wakaguzi

14.-(1) Waziri, baada ya kushauriwa na Bodi na kwa tangazo lilichapishwa kwenye *Gazeti*, anaweza kuteua wakaguzi wa maabara za kemia, sayansi jinai na vinasaba vya binadamu.

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(2) Wakaguzi walioteuliwa, chini ya Sheria ya Usimamizi na Udhibiti wa Kemikali za Viwandani na Majumbani na Sheria ya Usimamizi wa Vinasaba vya Binadamu watachukuliwa kuwa wameteuliwa chini ya Sheria hii.

Majukumu na mamlaka ya wakaguzi

15.-(1) Wakaguzi walioteuliwa chini ya kifungu cha (14), watatekeleza mamlaka kadiri itakavyoonekana muhimu kwa ajili ya utekelezaji wa masharti chini ya Sheria hii.

(2) Bila kujali masharti ya kifungu kidogo cha (1), wakaguzi watakuwa na mamlaka yafuatayo-

- (a) kuingia kwenye eneo lolote au maeneo yanayohusiana na huduma zinazosimamiwa chini ya Sheria hii wakati wowote muafaka kwa ajili ya utekelezaji wa majukumu na kwa ajili ya kufanya ukaguzi;
- (b) kutoa maelekezo baada ya kufanya ukaguzi kuhusu maeneo yanayohitaji kufanyiwa marekebisho;
- (c) kutoa amri ya kufungwa kwa muda maeneo wakisubiria marekebisho kufanyika au maelekezo ya Bodi;
- (d) kuchukua kitu chochote au mali iliyotumika katika kutenda kosa kama ushahidi;
- (e) baada ya idhini ya Bodi, kutoza faini kwa makosa mbalimbali katika viwango vilivyoidhinishwa na Waziri;
- (f) akiwa yeye peke yake au kwa kushirikiana na mamlaka

nyingine kusimamia kuteketeza kwa usahihi sampuli, kemikali au kitu chichote kinachosimamiwa chini ya Sheria hii;

- (g) ikiwa ni lazima, kwa msaada wa polisi kukamata mtu yoyote;
- (h) kufanya ukaguzi maalumu au ukaguzi wa kimkakati;
- (i) kutoa ushauri au mapendekezo kuhusu utekelezaji wa vifungu vya Sheria kwa kuzingatia uzoefu;
- (j) kutoa ushahidi mbele ya mahakamani; na
- (k) kufanya majukumu mengine yoyote kama watakavyoelekezwa na Mkemia Mkuu wa Serikali.

(3) Mtu yoyote ambaye-

- (a) atashindwa kutoa au kukataa kumruhusu mtu yeyote au afisa au mkaguzi aliyetajwa chini ya kifungu hiki, iwapo atahitaji kuingia kwenye sehemu, gari au maeneo;
- (b) kumzuia au kumkwamisha kutekeleza majukumu yake chini ya Sheria hii;
- (c) kushidwa au kukataa kutoa taarifa ambazo zinaweza kuhitajika kisheria kumpa mtu, afisa au mkaguzi; na
- (d) kumpa mtu au afisa taarifa zisizosahihi au za uongo akiwa anajua kuwa siyo sahihi au za uongo,

anatenda kosa na baada ya kutiwa hatiani atatakiwa kulipa faini isipungua shilingi milioni moja na isiyozidi shilingi milioni tatu au kifungo kisichozidi miezi kumi na mbili au vyote kwa pamoja.

SEHEMU YA NNE

USIMAMIZI WA SAMPULI NA MATOKEO YA UCHUNGUZI

Usimamizi
wa Sampuli

16.-(1) Sampuli kwa ajili ya uchunguzi wa kimaabara itawasilishwa na mamlaka inayoomba ikiambatishwa na barua, fomu au nyaraka yoyote ya kimaandishi inayoainisha taarifa juu ya sampuli husika iliyowasilishwa kwenye Mamlaka.

(2) Bila kujali masharti ya kifungu cha (1), Mkemia Mkuu wa Serikali, anaweza kuagiza sampuli kuchukuliwa kwa ajili ya uchunguzi wa kimaabara.

(3) Sampuli itasimamiwa, kutunzwa na kuharibiwa kwa utaratibu utakaoainishwa katika Kanuni.

(4) Mamlaka haitawajibika kwa mabadiliko yoyote ya muonekano au mabadiliko ya sampuli yanayoweza kujitokeza wakati na baada ya uchunguzi.

Hati ya
uchunguzi
wa
kimaabara na
matokeo
yake

17.-(1) Pale ambapo sampuli kwa ajili ya uchunguzi inawasilishwa kwa Mamlaka, taarifa ya uchunguzi wa maabara itakayoainisha matokeo itatolewa kwa mtu aliyeomba uchunguzi huo.

(2) Sampuli iliyowasilishwa kwa ajili ya uchunguzi, itachukuliwa kuwa ni sampuli halisi ikiwa na sifa za sampuli halisi ilikochukuliwa.

(3) Mtu ambaye atatumia hati ya uchunguzi iliyotolewa chini ya Sheria hii kwa madhumuni ya kujitangaza bila ya kuwa na idhini ya maandishi kutoka kwa Mkemia Mkuu wa Serikali, anatenda kosa na atawajibika, iwapo atatiwa hatiani-

(a) kulipa faini isiyopungua shilingi milioni tano au kifungo kisichopungua mwaka mmoja au vyote kwa pamoja, iwapo mkosaji ni mtu binafsi; au

(b) kulipa faini isiyopungua shilingi milioni ishirini, iwapo mkosaji ni kampuni.

Utoaji wa
hati ya
uchunguzi

18.-(1) Nyaraka na ripoti iliyotengenezwa au kutolewa chini ya Sheria hii, zitakuwa chini ya usimamizi wa Mkemia Mkuu wa Serikali.

(2) Nyaraka au taarifa yoyote iliyotolewa chini ya Mchunguzi wa Serikali, kuhusiana na suala lolote au kitu kilichowasilishwa kwake kwa ajili ya uchunguzi wa kimaabara, inaweza kutumika kama ushahidi katika shauri, kesi au mwenendo mwingine wowote.

(3) Iwapo taarifa inatumika katika mwenendo wa mahakama, mbali na uchunguzi, mahakama inaweza, kumuita na kumuuliza maswali Mkemia Mkuu wa Serikali au Mchunguzi wa Kimaabara wa Serikali juu ya usahihi wa taarifa hiyo.

Shahidi
mtaalamu

19. Taarifa iliyotolewa na Mchunguzi wa Kimaabara wa Serikali itakubalika na itatumika kama ushahidi wa taarifa au mambo yaliyomo katika ripoti isipokuwa kama upande mwingine unahitaji Mkemia Mkuu wa Serikali au Mchunguzi wa Kimaabara wa Serikali ambaye ameandaa ripoti hiyo kuitwa kama shahidi.

SEHEMU YA TANO
HUDUMA ZA WAKALA
(a) *Huduma za Sayansi Jinai na Vinasaba*

Huduma za
maabara ya
sayansi jinai

20.-(1) Itakuwepo ndani ya Mamlaka, maabara itakayoshughulikia masuala ya huduma za sayansi jinai na Vinasaba.

(2) Kwa madhumuni ya kifungu kidogo cha (1), Mamlaka itafanya uchunguzi wa sayansi jinai ya-

- (a) toksikolojia;
- (b) jinai, kemia na dawa za kulevya; na
- (c) bailojia na vinasaba vya binadamu,

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na 95

kama itakavyohitajika na mamlaka yoyote au kama ilivyoainishwa katika Sheria ya Mwenendo wa Makosa ya Jinai, Sheria ya Usimamizi wa Vinasaba vya Binadamu, Kuzuia na kudhibiti Matumizi ya Dawa za kulevya na sheria nyingine yoyote.

(3) Bila kuathiri huduma zilizotajwa katika kifungu kidogo cha (1), maabara ya sayansi jinai na Vinasaba inaweza kufanya uchunguzi wa sampuli nyingine zisizohusiana na madai pale inapohitajika.

(b) Huduma za maabara ya ubora wa bidhaa

Huduma za
maabara ya
ubora wa
bidhaa

21.-(1) Itakuwepo ndani ya Mamlaka maabara inayoshughulikia masuala ya huduma za ubora wa bidhaa.

(2) Kwa madhumuni ya kifungu kidogo cha (1), Mamlaka itafanya uchunguzi wa-

- (a) chakula, dawa, vipodozi, pamoja na malighafi zinazohusika;
- (b) kimaikrobaiolojia;
- (c) kutumia mitambo; na
- (d) uchunguzi wa dawa asilia.

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(3) Mamlaka inaweza kutoa huduma nyingine zitakazotolewa na maabara ya ubora wa bidhaa kwa kadri ambavyo itahitajika.

(c) Huduma za maabara za usimamizi wa kemikali

Huduma za
maabara za
usimamizi
wa kemikali

22.-(1) Itakuwepo maabara ndani ya Mamlaka inayoshughulikia masuala ya huduma za usimamizi wa kemikali.

(2) Kwa madhumuni ya kifungu kidogo cha (1), Mamlaka utafanya uchunguzi wa-

- (a) kemikali, bidhaa za kemikali na malighafi kama ilivyoainishwa kwenye Sheria ya Usimamizi na Udhibiti wa Kemikali za Viwandani na Majumbani;
- (b) sampuli zinazohusiana na afya mahali pa kazi kama ilivyoainishwa kwenye Sheria ya Usalama Kazini na

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Sura 297 na
191

- uchafuzi wa mazingira kama ilivyoainishwa kwenye Sheria ya Mazingira; na
(c) huduma nyingine kadri itakavyohitajika.

Ukomo wa ripoti ya uchunguzi

23. Ripoti ya matokeo ya uchunguzi wa kimaabara itatolewa na Mamlaka kuhusu huduma za uchunguzi wa sayansi jinai, ubora wa bidhaa na usimamizi wa kemikali na uamuzi huo utakuwa ni wa mwisho.

SEHEMU YA SITA
USIMAMIZI WA MAABARA

(a) *Usajili wa maabara*

Usajili wa maabara

24.-(1) Maabara haitaruhusiwa kutoa huduma za maabara za kemia, sayansi jinai na Vinasaba zinazosimamiwa chini ya Sheria hii isipokuwa kama maabara hiyo imesajiliwa chini ya Sheria hii.

(2) Maabara haitasajiliwa isipokuwa kama ina watumishi walio na sifa zinazofaa na eneo la maabara lina vifaa vinavyokidhi viwango vilivyoainishwa kwenye kanuni.

(3) Maombi ya usajili yatakuwa kama ilivyoainishwa katika Jedwali la Nne la Sheria hii na yataambatana na tozo iliyoainishwa kwenye kanuni.

(4) Mkemia Mkuu wa Serikali ataweka na kutunza rejesta ya maabara ambayo ndani yake taarifa na maelezo ya maabara zilizosajiliwa zitaingizwa.

(5) Mtu atakayekiuka kifungu hiki anatenda kosa na atawajibika, iwapo atatiwa hatiani, kulipa faini isiyopungua shilingi milioni tano au kutumikia kifungo kwa kipindi kisichozidi miaka mitatu au vyote.

Utoaji wa cheti

25.-(1) Kemikali iliyosajiliwa, mfanyabiashara wa kemikali aliyesajiliwa, maabara ya kutoa mafunzo, maabara ya kemia, sayansi jinai na Vinasaba iliyosajiliwa itapewa cheti.

(2) Utaratibu wa kusajiliwa na utoaji wa cheti uliotolewa chini ya Sheria hii utakuwa kama utakavyoainishwa katika Kanuni.

Kufutwa kwa usajili wa maabara

26.-(1) Mkemia Mkuu wa Serikali kwa ridhaa ya Bodi, anaweza kufuta usajili wa maabara yoyote ya kemia, sayansi jinai na Vinasaba iwapo-

(a) cheti cha usajili kimepatikana kinyume na masharti ya Sheria hii; au

(b) uendeshaji wa maabara unakiuka masharti yoyote yaliyoambatana na usajili.

(2) Bodi, kabla ya kufuta usajili wa maabara, chini ya Sheria hii atampa nafasi mmiliki wa maabara hiyo nafasi ya kusikilizwa.

(3) Ufutaji wowote wa usajili wa maabara uliofanywa chini ya kifungu hiki utachapishwa kwenye *Gazeti* la Serikali.

Kukata rufaa

27.-(1) Mtu ambaye hataridhishwa na uamuzi ya Bodi, anaweza ndani ya kipindi cha miezi mitatu, baada ya tarehe ya kutolewa uamuzi kukata rufaa kwa Waziri.

(2) Waziri ndani ya mwezi mmoja baada ya kufanya uamuzi ataruhusu rufaa yoyote, kubadilisha au kurekebisha uamuzi wa Bodi na kutoa amri kadri atavyoona inafaa.

(3) Waziri ndani ya mwezi mmoja baada ya kutoa maamuzi ya rufaa, atatoa nakala ya uamuzi kwa mwombaji.

Taarifa ya kufunga au kubadilisha umiliki

28.-(1) Mmiliki wa maabara ambaye anataka kufunga maabara au kubadilisha umiliki wa maabara atamtaarifu Mkemia Mkuu wa Serikali, miezi mitatu kabla ya kufunga au ubadilisha umiliki wa maabara.

(2) Bila ya kuathiri kifungu kidogo cha (1) mmiliki ndani ya miezi mitatu kabla ya kufunga maabara, atatakiwa kuwasilisha programu ya kufunga maabara kwa Mkemia Mkuu wa Serikali kama ilivyoainishwa katika kanuni kwa ajili ya kuidhinisha, kusimamia na kukagua.

(3) Mtu ambaye atashindwa kutoa taarifa kwa Mkemia Mkuu wa Serikali juu ya kufunga maabara au ubadilishaji umiliki, anatenda kosa na akipatikana na hatia atawajibika, kulipa faini isiyopungua shilingi milioni kumi au kutumikia kifungo kwa kipindi kisichopungua miaka mitatu au vyote kwa pamoja.

(b) Ukaguzi wa maabara

Ukaguzi wa maabara

29.-(1) Bodi inaweza kwa madhumuni ya kuhakikisha kuwa matakwa ya masharti ya sheria hii yanafuatwa, itafanya au kupelekea kufanywa ukaguzi katika eneo au huduma yoyote.

(2) Waziri, baada ya kushauriwa na Bodi, atatengezeza Kanuni zitakazoainisha-

- (a) uteuzi, mamlaka na sifa za wakaguzi; na
- (b) kufanya ukaguzi kwa madhumuni ya sheria hii.

(c) *Utunzaji Kumbukumbu na Utoaji wa Taaarifa*

Utunzaji wa
kumbukumbu

30. Mmiliki au mwendeshaji wa Maabara atatumza kumbukumbu au huduma zinazotolewa, mapendekezo kutokana na ukaguzi uliopita, na hatua zilizochukuliwa kama zipo.

Utoaji wa
taarifa

31.-(1) Mmiliki au mwendeshaji wa maabara iliyosajiliwa atawasilisha taarifa kwa Msajili mara mbili kwa mwaka kwa namna iliyoainishwa kwenye kanuni.

(2) Kwa kuzingatia masharti ya kifungu kidogo cha (1), mtu yoyote atakayeshindwa kuwasilisha ripoti, cheti chake au kibali kitafutwa au kusimamishwa.

SEHEMU YA SABA

KANZIDATA YA TAIFA YA VINASABA VYA BINADAMU

Kanzidata ya
Taifa ya
Vinasaba vya
Binadamu
Sura ya 73

32.-(1) Itakuwepo ndani ya Mamlaka, Kanzidata ya Taifa ya Vinasaba vya Binadamu, ambayo itakuwa ni hifadhi kuu ya kumbukumbu ya Vinasaba vya binadamu.

(2) Zitakuwepo maabara teule za vinasaba vya binadamu kama ilivyoainishwa chini ya Sheria ya Usimamizi wa Vinasaba vya binadamu.

(3) Kila maabara teule ya vinasaba vya binadamu itawasilisha taarifa za vinasaba kwa Mamlaka.

(4) Taarifa zitakazowasilishwa kwa Mamlaka, zitajumuisha taarifa kama ilivyoainishwa kwenye Jedwali la Tano la Sheria hii.

(5) Bodi inaweza, kufanya mapitio ya orodha ya taarifa zilizopo kwenye Kanzidata.

Fursa ya
kupata taarifa

33.-(1) Mkemia Mkuu wa Serikali kwa tozo au bila tozo ataidhinisha kutolewa kwa taarifa zilizomo kwenye kanzidata kwa kutuma maombi ya maandishi kuhusu masuala yaliyoainishwa kwenye kanuni.

(2) Taarifa ilizomo kwenye Kanzidata ya Taifa ya Vinasaba vya Binadamu inaweza kutolewa kwa-

- (a) mtu yeyote ambaye Mkemia Mkuu wa Serikali atamuidhinisha; au

(b) taasisi za Serikali, wakala, na idara nyingine.

(3) Mtu yeyote, aliyepata, anayetoa au kuchapisha taarifa zilizomo kwenye Kanzidata bila ya idhini ya maandishi kutoka kwa Mkemia Mkuu wa Serikali anatenda kosa na akipatikana na hatia, atatakiwa kulipa faini isiyopungua shilingi milioni kumi au kutumikia kifungo kisichopungua miaka mitano au vyote.

SEHEMU YA NANE

KITUO CHA TAIFA CHA KUTHIBITI MATUKIO YA SUMU

Kituo cha
Taifa cha
kuthibiti
matukio ya
sumu

34.-(1) Kituo cha Taifa cha kuthibiti na kusimamia matukio ya sumu, kitaanzishwa na kusimamiwa na Mamlaka.

(2) Mamlaka itaratibu na kusimamia matukio ya sumu.

(3) Maabara za Kanda za Mamlaka, zitakuwa vituo vidogo kwa Kituo cha Taifa cha Kuthibiti na Kusimamia Matukio ya sumu.

(4) Bila kuathiri masharti ya kifungu kidogo cha (1), Kituo cha Taifa cha kuratibu matukio ya sumu kitatekeleza majukumu yafuatayo:

- (a) kutoa taarifa kwa umma kuhusiana na sumu;
- (b) kufanya uchunguzi wa kimaabara wa sumu;
- (c) kukusanya taarifa kutoka katika vituo vya kukusanya taarifa juu ya uchunguzi wa magonjwa na matukio ya sumu;
- (d) kutoa mafunzo na utafiti wa masuala ya sumu; na
- (e) kutunza kumbukumbu za matukio ya sumu na taarifa za kisayansi kuhusiana na sumu.

Uteuzi wa
vituo vya
utoaji taarifa

35.-(1) Mamlaka itateua vituo vya utoaji taarifa vya afya na taasisi nyingine kuwa vituo vidogo vya kutoa taarifa ambazo zitatoa taarifa za matukio ya sumu.

(2) Kila kituo kidogo kilichoteuliwa kwa ajili ya kutoa taarifa za matukio ya sumu kitawasilisha taarifa za matukio ya sumu kwa Mamlaka.

(3) Taratibu na shughuli za vituo vya utoaji taarifa za matukio ya sumu zitakuwa kama zilivyoinishwa kwenye kanuni.

SEHEMU YA TISA MASUALA YA FEDHA

Vyanzo vya mapato

- 36.**-(1) Vyanzo vya mapato vya Mamlaka vitajumuisha-
- (a) fedha zitakazotengwa na Bunge;
 - (b) fedha au mali zinazoweza kumilikiwa au kupatikana kutokana na vyanzo vingine;
 - (c) ada zilizowekwa na tozo zilizopatikana kutokana na huduma zilizotolewa;
 - (d) mapato yatokanayo na kuuza rasilimali au vyanzo vingine vya mapato vilivyoainishwa na mamlaka;
 - (e) zawadi, misaada na michango; na
 - (f) fedha nyingine zozote zitakazokopwa, kupokelewa au kupatikana kwenye Mamlaka kwa ajili ya kutekeleza majukumu yake.

(2) Kwa kuzingatia masharti ya kifungu kidogo cha (1), Serikali kila mwezi katika kipindi cha mwaka wa fedha kutoa kwenye Mamlaka kiasi cha fedha zilizotolewa na Bunge kugharamia matumizi ya shughuli za Mamlaka.

(3) Ada na tozo zitaainishwa kwenye Kanuni.

(4) Kwa madhumuni ya vifungu vidogo vya (1) na (2), ada na tozo zilizowekwa kwa huduma zinazotolewa kuhusiana na sampuli au vielelezo vilivyowasilishwa kwa ajili ya masuala yanayohusu jinai, maafa, ulinzi na usalama na sampuli nyingine zozote zenye maslahi ya Taifa zitagharimiwa na Serikali kupitia fungu maalumu litakaloanzishwa chini ya Mamlaka.

Makadirio ya mapato na matumizi

37.-(1) Mkemia Mkuu wa Serikali atatarisha na kuwasilisha kwenye Bodi kwa ajili ya kuidhinishwa makadirio ya mapato na matumizi ya Mamlaka miezi mitatu kabla ya mwisho wa mwaka unaofuata.

(2) Bodi itapeleka kwa Waziri makadirio ya mapato na matumizi yaliyoandaliwa chini ya kifungu kidogo cha (1) kwa ajili ya kuidhinishwa.

(3) Hakuna matumizi yatakayofanywa nje ya bajeti ya Mamlaka isipokuwa kama matumizi hayo yataidhinishwa na Waziri chini ya kifungu kidogo cha (2).

Bajeti ya nyongeza

38.-(1) Iwapo, katika mwaka wowote wa fedha, Mamlaka inahitaji kufanya matumizi yoyote ambayo hayakuainishwa kwenye bajeti, au yanayozidi kiasi cha fedha kilichoidhinishwa katika bajeti ya mwaka huo wa fedha, Bodi itaidhinisha bajeti ya nyongeza kwa madhumuni ya matumizi hayo.

(2) Bajeti ya mwaka na kila bajeti ya nyongeza itakuwa katika utaratibu na itajumuisha taarifa kadri Bodi atakavyoelekeza.

Uwasilishaji
wa taarifa ya
fedha ya
mwaka

39.-(1) Katika Sheria hii “mwaka wa fedha” unamaanisha mwaka wa fedha wa Serikali.

(2) Mkemia Mkuu wa Serikali kila mwisho wa mwaka wa fedha ataandaa taarifa ya utekelezaji ya mwaka ya shughuli zilizofanyika katika mwaka wa fedha na kuwasilisha taarifa hiyo kwa Bodi.

(3) Mkemia Mkuu wa Serikali atahakikisha taarifa ya fedha ya mwaka imeandaliwa na kukaguliwa na Mkaguzi Mkuu wa Hesabu za Serikali au mwakilishi wake ndani ya kipindi cha miezi mitatu baada ya mwaka wa fedha.

(4) Taarifa ya fedha zitajumuisha-

(a) taarifa ya utendaji wa kifedha;

(b) taarifa ya hali ya kifedha;

(c) taarifa ya mtiririko wa mapato na matumizi;

(d) taarifa ya mabadiliko ya faida au hasara; na

(e) maelezo ya ufafanuzi wa taarifa za fedha.

Uwasilishwaji
wa taarifa ya
fedha ya
mwaka

40.-(1) Mkemia Mkuu wa Serikali atawasilisha kwa Waziri nakala za taarifa za hesabu zilizokaguliwa miezi mitatu kila baada ya mwisho wa mwaka wa fedha.

(2) Waziri atawasilisha nakala ya taarifa ya fedha ya Mamlaka Bungeni, ndani ya miezi miwili au katika kikao kinachofuata cha bunge, baada ya kupata ripoti.

Usimamizi na
udhibiti wa
fedha

41.-(1) Mamlaka itatunza vitabu vya fedha na kuhifadhi kumbukumbu za uendeshaji wake kwa mujibu wa viwango vya kijasibu vya kitaifa.

(2) Mamlaka itaandaa na utuzwaji vitabu vya fedha sahihi na kumbukumbu zinazohusu-

(a) mali na madeni;

(b) stakabadhi za matumizi ya fedha na matumizi mengineyo ya fedha; na

(c) taarifa ya hali ya kifedha pamoja na taarifa inayoonesha hali ya utendaji wa kifedha itakayoandaliwa katika kila mwaka wa fedha.

(3) Fedha na rasilimali za Mamlaka zitatumika kwa madhumuni yaliyowekwa chini ya Sheria hii.

(4) Matumizi ya fedha za Mamlaka yatatakiwa kufuatiliwa na kupitiwa na Bodi.

Misingi ya uendeshaji

42.-(1) Mamlaka-

- (a) itafungua na kuendesha vitabu vyote vya fedha, leja, jarida na vitabu vingine vya ziada vya fedha kulingana na miongozo ya kihasibu; na
- (b) itapitia na kubadili nyaraka zake ili kuwezesha utunzaji sahihi wa vitabu vya fedha kama itakavyoelekezwa na mamlaka husika.

(2) Fedha zote zilizopokelewa zitawekwa katika akaunti ya makusanyo ya mapato na malipo yatafanyika katika akaunti ya matumizi.

Mamlaka ya kuwekeza

43. Kwa mujibu wa idhini ya Msajili wa Hazina na Waziri, Mamlaka inaweza kuwekeza fedha kwa namna itakavyoona inafaa.

SEHEMU YA KUMI MASHARTI MBALIMBALI

Mamlaka ya Waziri kutunga kanuni

44. Waziri, anaweza kutunga kanuni kuhusiana na-

- (a) uchukuaji wa sampuli na uwasilishaji wa sampuli za sayansi jinai;
- (b) viwango vya majengo, vifaa pamoja na sifa za watumishi wa maabara za kemia, sayansi jinai na vinasaba vya binadamu;
- (c) taratibu za usajili na utoaji wa vyeti kwa maabara za kemia, sayansi jinai na Vinasaba vya binadamu;
- (d) aina na taratibu za ukaguzi wa maabara za kemia, sayansi jinai na Vinasaba vya binadamu;
- (e) namna ya uwasilishaji taarifa za maabara za kemia, sayansi jinai na Vinasaba vya binadamu;
- (f) uteuzi, uendeshaji na taratibu za vituo vya kutoa taarifa za matukio ya sumu;
- (g) utunzaji wa kumbukumbu zitokanazo na kazi za Mamlaka;

- (h) mamlaka, majukumu, mwenendo, sifa na taratibu za Mchunguzi wa Kimaabara wa Serikali;
- (i) tozo na ada zingine;
- (j) uchunguzi wa Vinasaba vya binadamu na kanzidata; na
- (k) masuala menginezo yoyote kwa ajili ya kufanikisha utekelezaji wa masharti ya Sheria hii.

Kinga ya wajumbe wa Bodi na maafisa wa Mamlaka.

45. Chochote kilichofanywa na Mkemia Mkuu wa Serikali, mjumbe yeyote wa Bodi, mjumbe wa kamati, mwajiriwa au mtu yeyote aliyepewa mamlaka ya kutekeleza majukumu chini ya Sheria hii, kama kimefanywa kwa nia njema wakati wa utekelezaji wa majukumu yake au anayotakiwa kufanya kwa mujibu wa Sheria hii, hakitampelekea mjumbe au afisa kuwa na hatia kuhusu suala hilo au kitu alichokifanya.

Umiliki wa rasilimali na madeni Sura 245 na Ts.Na.106 la Mwaka 2000

46. Mali zote, haki, majukumu, madeni na rasilimali zinazomilikiwa na Mamlaka kutokana na masharti ya Sheria ya Wakala za Serikali na amri iliyoanzisha Wakala wa Serikali (Wakala wa Maabara ya Mkemia Mkuu wa Serikali) ya mwaka 2000, vitaendelea baada ya kuanza kutumika kwa Sheria hii kuendelea kuwa chini ya Mamlaka.

Uhamisho wa watumishi na haki zao.

Sura 245 na Ts.Na.106 la Mwaka 2000

47. Mwajiriwa au mteuliwa wa Mamlaka iliyoanzishwa chini ya Sheria ya Wakala za Serikali na Amri iliyoanzisha Wakala wa Serikali (Wakala wa Maabara ya Mkemia Mkuu wa Serikali) ya mwaka 2000 baada ya kuanza kutumika kwa Sheria hii, ataendelea kuwa mwajiriwa wa Mamlaka katika nafasi aliyokuwa nayo kabla ya Sheria hii haijaanza kutumika.

Ujira wa wajumbe wa Bodi, kamati za kitaalamu na wafanyakazi

48. Wajumbe wa Bodi, kamati ya kitaalamu na watumishi watakuwa na stahili ya malipo au posho kama zitakavyoidhinishwa na Waziri, baada ya kushauriwa na Msajili wa Hazina na chombo kingine chochote kinachohusika.

Ustawi na usalama wa watumishi

49. Mkemia Mkuu wa Serikali atawajibika kwa ustawi na usalama wa watumishi katika sehemu ya kazi kwa maendeleo ya Mamlaka.

Mgongano wa kimaslahi

50.-(1) Kila mwajiriwa wa Mamlaka hataruhusiwa kufanya biashara inazosimamiwa na Sheria hii.

(2) Kila mwajiriwa ataepuka kufanya shughuli ambazo zinaweza kukinzana na majukumu yake kama mtumishi wa Mamlaka.

(3) Kila mfanyakazi atakuwa na jukumu la utii kwa mteja na atazuiwa kumwakilisha mtu yoyote mwingine mwenye maslahi kinyume na yale ya mteja au ana majukumu tofauti ambayo yatamzuia mtu huyo kuepuka upendeleo au kukiuka jukumu la utii.

(4) Kila mfanyakazi atasaini kwa tarehe mgongano wa maslahi ikionyesha uhalisia au mgongano wa maslahi kama ulivyoainishwa kwenye Kanuni.

(5) Pale ambapo ndani ya mwezi mmoja, mwajiriwa atashindwa kusaini kwa tarehe mgongano wa maslahi katika taarifa inayoonyesha uhalisia au mgongano wa maslahi bila kuwa na sababu ya msingi iliyowekwa kisheria, Bodi inaweza kusitisha ajira yake au inaweza kuamua suala hilo kwa kadri itakavyoona inafaa.

(6) Fomu zinazopaswa kujazwa na kila mwajiriwa, zitawasilishwa kwa Mkemia Mkuu wa Serikali kwa kupitiwa na kuruhusiwa.

Usiri na utoaji
wa taarifa

51.-(1) Kila mwajiriwa au wakala aliyeidhinishwa na Mamlaka, atatakiwa kwa mara zote atakapokuwaa anashughulikia nyaraka yoyote, sampuli au matokeo ya uchunguzi, kuweka usiri.

(2) Mkemia Mkuu wa Serikali, wajumbe wa Bodi, mjumbe wa kamati ya kitaalamu, mwajiriwa wa Mamlaka na wakala aliyeidhinishwa, atatakiwa kuzichukulia kuwa ni siri taarifa yoyote ambayo anaifahamu wakati wa utekelezaji wa majukumu yake.

(3) Masharti ya kifungu hiki yataendelea kutumika kwa watu wote ambao wanahusika na uchunguzi wa sayansi jinai na uchunguzi wa Vinasaba na utoaji matokeo ya maabara kwa kipindi chote cha maisha yao ama au la mtu huyo ameacha kujihusisha au kuajiriwa kwa ajili ya kuendeleza utekelezaji wa masharti ya Sheria hii.

(4) Bila kujali masharti ya Sheria hii, Mkemia Mkuu wa Serikali anaweza kuchapisha au kupelekea kuchapishwa taarifa yoyote iliyotolewa kwa Mamlaka au taarifa yoyote yaliyoko kwenye kumbukumbu au mrejesho yaliyotolewa na Mamlaka kwa mfumo wa muhtasari, ambao hautawezesha utambuzi wa chanzo cha taarifa, kumbukumbu au mrejesho.

(5) Mtu yeyote ambaye amekuwa akijihusisha na usimamizi wa Sheria hii na akatoa taarifa yoyote iliyopatikana katika utekelezaji wa majukumu yake chini ya Sheria hii, kwa mtu yeyote kinyume na

masharti ya kifungu hiki atakuwa ametenda kosa, na akipatikana na hatia atatakiwa kulipa faini isiyopungua milioni tano au kutumikia kifungo kisichopungua miaka mitano au vyote viwili kwa pamoja.

Mamlaka ya Waziri kutoa maelekezo

52. Waziri anaweza, kwa mujibu wa masharti ya Sheria hii, kutoa maelekezo kwa ajili ya kuwezesha utekelezaji na utendaji wa Mamlaka na Sheria hii.

Makosa ya yanayohusu kuharibu, kubadilisha nyaraka au taarifa

53. Mfanyakazi yoyote wa mamlaka ambaye kwa kujua au makusudi anaharibu au anabadilisha nyaraka au ripoti ya utafiti wa kimaabara wakati wa kutekeleza majukumu yake chini ya Sheria hii anatenda kosa.

Wajibu wa kisheria wa kampuni na wabia wake

54.-(1) Pale ambapo kosa limetendwa na kampuni au mbia, kila mkurugenzi, mtendaji mkuu, au afisa wa shirika au mbia au afisa wa ubia ambaye alikuwa na ufahamu au alipaswa kuwa na ufahamu wa kutendeka kwa kosa atakuwa na hatia ya kosa.

(2) Mtu yeyote atawajibika yeye mwenyewe kwa kosa alilolitenda kinyume na Sheria hii, iwe amelifanya yeye au kama wakala au mtumishi wa mtu.

Mamlaka ya kufifilisha kosa

55.-(1) Mamlaka inaweza, ikiwa imejiridhisha kuwa mtu huyo ametenda kosa chini ya Sheria hii, itafifisha kosa kwa kumkubalia mtu huyo kulipa kiasi cha fedha kisichozidi shilingi milioni tano.

(2) Mamlaka iliyotolewa chini ya kifungu hiki, yatatumika pale ambapo mtu atakiri kwamba ametenda kosa chini ya Sheria hii.

(3) Kiasi chochote cha fedha kitakachopokelewa chini ya kifungu hiki kitachukuliwa kama vile ni kiasi cha fedha kilichotozwa na mahakama kwa kosa hilo.

Adhabu za jumla

56. Mtu yeyote atakayetenda kosa kinyume na Sheria hii ambapo adhabu haijaainishwa popote, atawajibika kulipa faini-

- (a) isiyopungua shilingi milioni moja ikiwa anayetenda kosa ni mtu binafsi au kifungo kisichopungua miezi sita au vyote kwa pamoja; na
- (b) isiyopungua shilingi milioni tano ikiwa aliyetenda kosa ni kampuni.

JEDWALI LA KWANZA

(Limetengenezwa chini ya Kifungu cha 7)

UTARATIBU, MUDA, UKOMO NA UENDESHAJI WA VIKAO VYA BODI

- Muda wa Bodi
- 1.**-(1) Mwenyekiti na wajumbe wa Bodi watashika nafasi hiyo kwa kipindi cha miaka mitatu kuanzia tarehe ya uteuzi na anaweza kuteuliwa tena kwa kipindi kingine cha miaka mitatu.
- (2) Kwa mjumbe ambaye ameteuliwa kutokana na kushika madaraka katika ofisi yake, atakoma kuwa mjumbe mara atakapoacha kushika madaraka katika ofisi hiyo.
- (3) Mjumbe wa Bodi atakoma kuwa mjumbe kama-
- (a) atafariki au kujiuzuru kwa sababu zozote zile;
 - (b) atashindwa kuhudhuria vikao vitatu vya Bodi mfululizo bila sababu za msingi;
 - (c) amehukumiwa kwa makosa ya jinai kwa zaidi ya miezi sita; au
 - (d) atapata ugonjwa wa akili.
- (4) Pale mjumbe aliyeteuliwa atakoma kuwa mjumbe kwa sababu zilizoainishwa kwenye kifungu kidogo cha (3), Waziri atateua mtu mwingine kuziba nafasi yake na mtu aliyeteuliwa kuwa mjumbe kwa kipindi kilichobakia cha mjumbe wa awali.
- Vikao vya Bodi
- 2.**-(1) Bodi itaanya kikao angalau kimoja kila baada ya miezi mitatu katika muda na sehemu kadiri itakavyoonekana inafaa ili kuendesha shughuli zake.
- (2) Bila kujali kifungu cha (1), Mwenyekiti anaweza, baada ya kupata idhini ya theluthi mbili ya wajumbe kuitisha kikao cha dharura kujadili suala linalohitaji uamuzi wa haraka.
- (3) Pale Mwenyekiti anapokuwa hayupo, wajumbe watakaokuwepo kwenye kikao, watachagua mmoja wa wajumbe kuwa Mwenyekiti wa kikao hicho na mjumbe huyo aliyechaguliwa atakuwa na wajibu wa kutoa taarifa ya kikao hicho kwa Mwenyekiti.
- (4) Bodi itahakikisha muhtasari wa vikao vyote vilivyofanyika inaandikwa na kuhifadhiwa, na muhtasari wa kila kikao cha Bodi utasomwa na kuthibitishwa au kurekebishwa katika kikao cha Bodi kitakachofuata na kutiwa saini na Mwenyekiti na Katibu.
- Akidi
- 3.**-(1) Akidi katika kikao chochote cha Bodi itakuwa ni theluthi mbili ya wajumbe.
- (2) Masuala yaliyopendekezwa katika kikao cha Bodi, yataamuliwa na idadi kubwa ya kura za wajumbe waliohudhuria.
- (3) Uhalali wa taarifa yoyote ya kikao cha Bodi iliyoundwa kihalali hautaathiriwa na kukosekana kwa mjumbe yeyote asiyehudhuria au kwa kasoro itakayotolewa na mjumbe asiyehudhuria kikao.

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- Maelekezo ya Bodi **4.** Maagizo, maelekezo, matangazo au hati iliyotayarishwa au kutolewa kwa niaba ya Bodi inatakiwa kutiwa saina na Mwenyekiti au Katibu.
- Udhibiti wa masuala yake **5.** Bodi itakuwa na mamlaka ya kujipangia kanuni na taratibu za uendeshaji wa shughuli zake.
- Ushahidi wa Nyaraka **6.** Nyaraka yoyote inayosainiwa na Mwenyekiti au Katibu kutokana na azimio la Bodi zitapokelewa katika mahakama au mabaraza au vyombo vingine vilivyoidhinishwa kupokea ushahidi na zitakuwa, isipokuwa kama itathibitika vinginevyo, ushahidi wa kutosha wa kile kitakachokuwa katika nyaraka.

JEDWALI LA PILI

**UTEUZI, MUUNDO, KIPINDI CHA KAMATI NA TARATIBU ZA VIKAO VYA
KAMATI YA KITAALAMU YA SAYANSI JINAI**

(Limetengenezwa chini ya kifungu cha 9)

- Uteuzi wa Wajumbe wa Kamati
- 1.-(1) Waziri atateua Mwenyekiti na wajumbe wengine sita wa Kamati ya Kitaalamu ya Sayansi Jinai kama ifuatavyo:
- (a) mwakilishi kutoka Ofisi ya Uchunguzi wa Makosa ya Jinai katika Jeshi la Polisi;
 - (b) mwakilishi kutoka Idara ya Baiokemia ya chuo kikuu kinachotambulika nchini;
 - (c) daktari bingwa wa sayansi jinai kutoka taasisi ya umma;
 - (d) mwakilishi kutoka Tume ya Kudhibiti dawa za Kulevya;
 - (e) afisa wa Sheria atakayependekezwa na Mwanasheria Mkuu wa Serikali; na
 - (f) mwakilishi kutoka Idara ya Wanyamapori chini ya Wizara husika.
- (2) Mkurugenzi anayehusika na masuala yanayohusu huduma ya Sayansi Jinai na Vinasaba atakuwa katibu wa kamati.
- (3) Kamati inaweza, iwapo itaona inafaa, kumualika mtu yeyote kutoa ushauri wa kitaalam wakati wa mikutano yake, isipokuwa mjumbe huyo hatakuwa na haki ya kupiga kura na ujumbe wake utakoma baada ya suala husika kukamilika.
- Majukumu ya kamati
2. Majukumu ya kamati, yatakuwa ni kumshauri Mkemia Mkuu wa Serikali kwenye masuala yote yanayohusiana na huduma za sayansi jinai.
- Muda wa kuaa madarakani
- 3.-(1) Mwenyekiti na wajumbe wa kamati watashika nyazifa zao kwa kipindi cha miaka mitatu na watakuwa na sifa za kuteuliwa tena kwa kipindi kingine kimoja, isipokuwa pale uteuzi wao utakapokuwa umesitishwa na Waziri, au ujumbe wao utakuwa umesitishwa kwa sababu zozote zile.
- (2) Kwa mjumbe ambaye ameteuliwa kutokana na kushika madaraka katika ofisi yake, atakoma kuwa mjumbe mara atakapoacha kushika madaraka katika ofisi hiyo.
- (3) Mjumbe wa kamati atakoma kuwa mjumbe kama-
- (a) atafariki au kujiuzuru kwa sababu zozote zile;
 - (b) atashindwa kuhudhuria vikao vitatu vya kamati mfululizo bila sababu za msingi;
 - (c) atahukumiwa kwa makosa ya jinai kwa zaidi ya miezi sita; au
 - (d) atapata ugonjwa wa akili.
- (4) Pale mjumbe aliyeteuliwa atakoma kuwa mjumbe kwa sababu yoyote ile, Waziri atateua mtu mwingine kuziba nafasi yake na mtu aliyeteuliwa atakuwa mjumbe kwa kipindi kilichobakia cha mjumbe wa awali.

- Vikao vya Kamati
- 4.-(1) Kamati itafanya kikao angalau kimoja kila baada ya miezi mitatu katika muda na sehemu kadiri itakavyoonekana inafaa ili kuendesha shughuli zake.
- (2) Mwenyekiti anaweza, baada ya kupata idhini ya theluthi mbili ya wajumbe kuitisha kikao cha dharura kujadili suala linalohitaji uamuzi wa haraka.
- (3) Pale Mwenyekiti anapokuwa hayupo, wajumbe watakaokuwepo kwenye kikao, watachagua mmoja wa wajumbe kuwa Mwenyekiti wa kikao hicho.
- (4) Kamati itahakikisha muhtasari wa vikao vyote vilivyofanyika inaandikwa na kuhifadhiwa, na muhtasari wa kila kikao cha kamati utasomwa na kuthibitishwa au kurekebishwa katika kikao cha kamati kitakachofuata na kutiwa saina na Mwenyekiti na Katibu.
- Akidi
- 5.-(1) Akidi katika kikao chochote cha kamati itakuwa ni theluthi mbili ya wajumbe.
- (2) Masuala yaliyopendekezwa katika kikao cha kamati, yataamuliwa na idadi kubwa ya kura za wajumbe waliohudhuria.
- (3) Uhalali wa taarifa yoyote ya kikao cha kamati iliyoundwa kihalali hautaathiriwa na kukosekana kwa mjumbe yeyote asiyehudhuria au kwa kasoro itakayotolewa na mjumbe asiyehudhuria kikao.
- Mwenendo
6. Kwa mujibu wa Jedwali hili, kamati itajipangia kanuni na taratibu za uendeshaji wa shughuli zake.

JEDWALI LA TATU

MUUNDO, UTEUZI, KAZI NA TARATIBU ZA KAMATI YA KURATIBU
MATUKIO YA SUMU

(Limetengenezwa chini ya kifungu cha 12)

Uteuzi wa
Wajumbe wa
Kamati na
Muundo

1. Waziri atateua **Mwenyekiti na wajumbe wengine sita** wa Kamati ya Kuratibu matukio ya Sumu kama ifuatavyo:

- (a) mwakilishi kutoka Wizara ya Kilimo;
- (b) mwakilishi kutoka Ofisi ya Uchunguzi wa Makosa ya Jinai katika Jeshi la Polisi;
- (c) mwakilishi Mwandamizi kutoka kitengo cha Ubora, Hospitali ya Taifa Muhimbili;
- (d) mwakilishi kutoka Taasisi ya Utafiti wa Magonjwa ya Binadamu;
- (e) mwakilishi kutoka Idara ya Kinga, Wizara ya Afya na Ustawi wa Jamii; na
- (f) mwakilishi kutoka Taasisi ya Utafiti wa Viuatilifu.

(2) Mkurugenzi anayehusika na masuala yanayohusiana na huduma ya Sayansi Jinai na Vinasaba atakuwa katibu wa kamati.

(3) Kamati inaweza, iwapo itaona inafaa, kumualika mtu yeyote kutoa ushauri wa kitaalam wakati wa mikutano yake, isipokuwa mjumbe huyo hatakuwa na haki ya kupiga kura na ujumbe wake utakoma baada ya suala husika kukamilika.

Majukumu ya
kamati

3. Kazi za kamati zitakuwa ni-

- (a) kumshauri Mkemia Mkuu wa Serikali katika masuala ya kitaalamu na kiutawala yanayohusu udhibiti wa sumu;
- (b) kushauri na kuwezesha ushirikiano wa Kitaifa, kikanda na kimataifa aina ya vituo vinavyodhibiti sumu;
- (c) kushauriana kitaifa, kikanda na kimataifa kwa kushirikiana katika udhibiti wa sumu mpango;
- (d) kushauri kuhusiana na uchukuaji na ukusanyaji wa taarifa, uchunguzi, utoaji taarifa na usambazaji wa taarifa zahusuzo madhara ya sumu.

Kipindi cha
Kamati

4.-(1) Mwenyekiti na wajumbe wa kamati watahika nyazifa zao kwa kipindi cha miaka mitatu na watakuwa na sifa za kuteuliwa tena kwa kipindi kingine kimoja, isipokuwa pale uteuzi wao utakapokuwa umesitishwa na Waziri, au ujumbe wao utakuwa umesitishwa kwa sababu zozote zile.

(2) Kwa mjumbe ambaye ameteuliwa kutokana na kushika madaraka katika ofisi yake, atakoma kuwa mjumbe mara atakapoacha kushika madaraka katika ofisi hiyo.

(3) Mjumbe wa kamati atakoma kuwa mjumbe kama-

- (a) atafariki au kujiuzuru kwa sababu zozote zile;
- (b) atashindwa kuhudhuria vikao vitatu vya kamati mfululizo bila sababu za

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msingi;

(c) amehukumiwa kwa makosa ya jinai kwa zaidi ya miezi sita; au

(d) atapata ugonjwa wa akili.

(4) Pale mjumbe aliyeteuliwa atakoma kuwa mjumbe kwa sababu yoyote ile, Waziri atateua mtu mwingine kushika nafasi yake na mtu aliyeteuliwa atakuwa mjumbe kwa kipindi kilichobakia cha mjumbe wa awali.

Vikao vya
Kamati

5.-(1) Kamati itafanya kikao angalau kimoja kila baada ya miezi mitatu katika muda na sehemu kadiri itakavyoonekana inafaa ili kuendesha shughuli zake.

(2) Bila kujali kifungu kidogo cha (1), Mwenyekiti anaweza, baada ya kupata idhini ya theluthi mbili ya wajumbe kuitisha kikao cha dharura kujadili suala linalohitaji uamuzi wa haraka.

(3) Pale Mwenyekiti anapokuwa hayupo, wajumbe watakaokuwepo kwenye kikao, watachagua mmoja wa wajumbe kuwa Mwenyekiti wa kikao hicho.

(4) Kamati itahakikisha muhutasari wa vikao vyote vilivyofanyika inaandikwa na kuhifadhiwa, na muhutasari wa kila kikao cha kamati utasomwa na kuthibitishwa au kurekebishwa katika kikao cha kamati kitakachofuata na kutiwa saina na Mwenyekiti na Katibu.

Akidi

6.-(1) Akidi katika kikao chochote cha kamati itakuwa ni theluthi mbili ya wajumbe.

(2) Masuala yaliyopendekezwa katika kikao cha Kamati, yataamuliwa na idadi kubwa ya kura za wajumbe waliohudhuria.

(3) Uhalali wa taarifa yoyote ya kikao cha Kamati iliyoundwa kihalali hautaathiriwa na kukosekana kwa mjumbe yeyote asiyehudhuria au kwa kasoro itakayotolewa na mjumbe asihudhuria kikao.

Udhibiti wa
masuala yake

7. Kwa kuzingatia Jedwali hili, Kamati itajipangia kanuni na taratibu za uendesaji wa shughuli zake.

JEDWALI LA NNE

MAMLAKA YA MAABARA YA MKEMIA MKUU WA SERIKALI
S.L.P. 164 DAR ES SALAAM
MAOMBI YA KUSAJILI MAABARA

(Limetengenezwa chini ya kifungu 24)

1. Mahitaji ya Mwombaji:

- 1.1 Jina:
- 1.2 Anwani:
- 1.3 Simu:
- 1.4 Nukushi:
- 1.5 Barua pepe:
- 1.6 Namba ya Usajili wa Kampuni:
- 1.7 Leseni ya Biashara:

2. Anwani ya Makazi:

- 2.1 Kiwanja No:
- 2.2 Barabara
- 2.3 Wilaya:
- 2.4 Mkoa:

3. Mwombaji (kama tofauti na awali)

- 3.1 Jina:
- 3.2 Anwani:
- 3.3 Simu:
- 3.4 Nukushi:
- 3.5 Barua pepe:

4. Masharti ya Usajili

- 4.1 Sifa za wataalamu wa Maabara.....
(Ambatanisha vyeti)
- 4.2 Aina ya maabara (kemia, sayansi jinai au vinasaba, weka alama inavyohitajika)

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4.3Ambatanisha nyaraka zifuatazo:

- (a) Mpango wa Usalama Kazini
- (b) Mpango wa kukabiliana na matukio ya dharura.

Mimi.....natamka kuwa taarifa nilizozitoa hapo juu ni sahihi kwa uelewa wangu.

Sahihi:.....Tarehe:.....

Kwa Matumizi ya Ofisi:

A. Na:Jina:.....Sahihi:.....Tarehe:.....

JEDWALI LA TANO

TAARIFA ZITAKAZOWEKWA KWENYE KANZIDATA YA VINASABA

(Lmetengenezwa chini ya Kifungu cha 32)

Kanzidata itakuwa na taarifa zitakahusu:

- (1) Matukio ya uhalifu.
- (2) Watoto waliozaliwa.
- (3) Madai.
- (4) Watuhumiwa wa jinai.
- (5) Mahabusu.
- (6) Wafungwa.
- (7) Wafanya fujo.
- (8) Wahalifu wa makosa ya kijinsia.
- (9) Wahanga wa majanga.
- (10) Watuhumiwa au wahalifu wasiohusika.
- (11) Taarifa kuhusina na vitambulisho vya Taifa.
- (12) Jeshi la Ulinzi na Jeshi la Polisi.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kutungwa kwa Sheria ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali. Sheria inayopendekezwa itachangia katika juhudi za Serikali katika kuboresha ustawi na mazingira ya wananchi wake. Hatua hii inatokana na kuwepo kwa baadhi ya mambo yanayoathiri utendaji kazi wa Mamlaka ya Wakala wa Maabara ya Mkemia Mkuu wa Serikali katika juhudi za kufikia malengo na kutimiza majukumu yake.

Mamlaka umekuwa ukitekeleza kazi zake kutokana na mamlaka yanayosimamiwa na sheria nyingine. Hivyo, kutungwa kwa Sheria ya Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali kutatoa mwongozo wa kisheria kuhusiana

na majukumu ya Mamlaka ya serikali, taasisi mbalimbali za umma kwa ujumla. Hatua hii itapunguza migongano na kuongeza uelewa wa wadau juu ya mamlaka na majukumu ya Mamlaka. Kwa nyongeza Sheria inayopendekezwa inaipa mamlaka Maabara ya Mkemia Mkuu wa Serikali kuwa maabara ya rufaa kwenye masuala yanayohusiana na sayansi jinai na vinasaba, ubora wa bidhaa, usimamizi wa kemikali, uratibu na usimamizi kituo cha matukio ya sumu.

Sheria ya mamlaka inayopendekezwa, inalenga kuanzisha Mamlaka kwa kuainisha majukumu na mamlaka ya kusimamia maabara za kemia, sayansi, jinai na unasaba nchini.

Muswada huu umegawanyika katika Sehemu kuu Kumi.

Sehemu ya Kwanza ya Muswada inapendekeza masharti ya awali ambayo yanajumuisha jina na tarehe ya kuanza kutumika kwa Sheria inayopendekezwa, pamoja na tafsiri ya maneno mbalimbali yaliyotumika katika Muswada hii.

Sehemu ya Pili inahusu kuanzishwa kwa Mamlaka ya Maabara ya Mkemia Mkuu wa Serikali, majukumu na mamlaka yake.

Sehemu ya Tatu inahusu masuala ya utawala na mpangilio wa kitaasisi. Sehemu hii inaainisha masharti juu ya uteuzi, majukumu na mamlaka ya Mkemia Mkuu wa Serikali. Pia, Sehemu hii inaanzisha kamati mbalimbali za kitaalamu kwa madhumuni ya kumshauri Mkemia Mkuu wa Serikali kwenye masuala yanayohusiana na sayansi jinai na udhibiti wa sumu. Sehemu hii pia inaainisha taratibu za uteuzi wa Mchunguzi wa Serikali na Mkaguzi pamoja na majukumu na mamlaka yao.

Sehemu ya Nne inahusu usimamizi wa sampuli na matokeo ya uchunguzi na matokeo ya kisheria kwa mtu anayetumia cheti cha uchunguzi kilichotolewa chini ya Sheria hii kwa ajili ya kujitangaza bila ya kuwa na idhini ya kimaandishi kutoka kwa Mkemia Mkuu wa Serikali. Sehemu hii pia inaweka masharti kwenye ripoti za uchunguzi, utoaji wa ripoti, utaratibu na ukubaliwaji wa ripoti hiyo.

Sehemu ya Tano inahusu uanzishaji wa maabara na huduma zinazotolewa na Mamlaka kwa Serikali, sekta binafsi na umma. Maabara hizi zinataka kutoa huduma za Sayansi Jinai (toksikolojia, kemia na dawa za kulevya, biolojia na vinasaba); maabara ya ubora wa bidhaa (vyakula na dawa, kimaikrobiolojia na uchunguzi wa kutumia mitambo) na usimamizi wa kemikali (maabara za

mazingira, uchukuaji wa sampuli za afya mahala pa kazi, kemia na bidhaa za kemia).

Sehemu ya Sita inaipa uwezo Mamlaka ya usimamizi maabara za kemia, maabara za sayansi jinai na vinasaba nchini. Sehemu hii inataka usajili wa maabara na utoaji wa vyeti. Aidha, Sehemu hii inatoa taratibu za utoaji taarifa ya ufungaji au ubadilishaji wa umiliki na kufutwa kwa usajili wa maabara, ubadilishaji wa umiliki na usajili. Vile vile inaweka masharti ya ukaguzi wa maabara, utunzaji wa kumbukumbu na utoaji wa taarifa.

Sehemu ya Saba inahusu uundwaji wa Kamati ya Taifa ya Kanzidata ya Vinasaba vya Binadamu ambayo itakuwa na wajibu wa kumshauri Mkemia Mkuu wa Serikali katika masuala yanayohusu usimamizi wa Kanzidata. Sehemu hii pia inaweka masharti ya kuweza kupata taarifa zinazohusu vinasaba vya binadamu. Pia inaweka adhabu kwa mtu yoyote ambaye anatoa taarifa na kuzichapisha ambazo zipo kwenye kanzidata.

Sehemu ya Nane inahusu kutambua Mamlaka kama kituo cha kitaifa cha kusimamia na kuratibu matukio ya sumu pamoja na kuainisha majukumu yake. Vile vile inaweka masharti kuhusu taarifa za sumu kwa umma, uchunguzi wa kimaabara, uchunguzi wa magonjwa utambuzi na tiba ya matukio ya sumu na pia kutunza kumbukumbu za matukio ya sumu. Sehemu hii pia inaweka masharti kwa Mkemia Mkuu wa Serikali kuunda vituo vya kutoa taarifa ya matukio ya sumu.

Sehemu ya Tisa inahusu masuala ya fedha ikiwa ni pamoja na vyanzo vya mapato vya Mamlaka, taarifa za fedha za mwaka na uwasilishaji wake, udhibiti wa fedha, bajeti ya mwaka, misingi ya uendeshaji na mamlaka na kuwekeza.

Sehemu ya Kumi inaweka masharti ya jumla ikijumuisha uwezo Waziri kutunga kanunu, kinga ya wajumbe wa Bodi na maafisa wa Mamlaka, umiliki wa raslimali na madeni, uhamisho wa watumishi na haki zao, malipo ya wajumbe wa Bodi, ustawi na usalama wa watumishi. Masuala mengine yaliyoainishwa ni pamoja na ukataji wa rufaa, wajibu wa kisheria wa kampuni, wabia, wakala, wajiriwa, na wajibu wa Mkemia Mkuu wa Serikali kutoza faini badala ya adhabu.

Dar es Salaam,
10 Mei, 2016

UMMY A. MWALIMU
*Waziri wa Afya, Maendeleo ya Jamii,
Jinsia, Wazee na Watoto*